

OCTOBER TERM, 1946

STATISTICS

	Original	Appellate	Total
Number of cases on docket.....	12	1, 512	1, 524
Cases disposed of.....	0	1, 366	1, 366
Remaining on docket.....	12	146	158

Cases disposed of—

By written opinions.....	190
By <i>per curiam</i> opinions.....	66
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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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David L. Bazelon, of Chicago, Ill.; George Howard Crane, of Dallas, Tex.; Robert L. Tollefsen, of Kearney, Nebr.; Frederick Stewart Gilbert, Jr., of Jacksonville, Fla.; Robert H. Givens, of Miami, Fla.; Geo. P. Taubman, Jr., of Long Beach, Calif.; Thos. C. McCarty, of Santa Fe, N. Mex.; William Halpern, of Los Angeles, Calif.; Richard H. Burke, of New York, N. Y.; Louis F. Knoblock, of Peoria, Ill.; Wilbur Duberstein, of New York, N. Y.; Alfred A. Donaghue, of Minneapolis, Minn.; William P. McGrath, of Fargo, N. Dak.; Walter F. Maley, of Des Moines, Iowa; James Riley McManus, of Des Moines, Iowa; Arthur C. Mueller, of Hermann, Mo.; Robert A. Kahn, of Chicago, Ill.; Everett E. Smith, of Minneapolis, Minn.; Jefferson L. Davis, of Cartersville, Ga.; Neil Tolman, of Nelson, N. H.; Norris E. Halpern, of Norfolk, Va.; Marcus L. Whitford, of New York, N. Y.; Clarence G. Morse, of San Francisco, Calif.; Alfred C. Aurich, of Washington, D. C.; Robert W. Geweke, of Watertown, Wis.; Charles S. Geier, of Boston, Mass.; Benjamin Fisher Pollack, of Boston, Mass.; Jess N. Dalton, of Independence, Kans.; Croom Partridge, of Atlanta, Ga.; Wm. S. Mundy, Jr., of Lynchburg, Va.; Albert J. Rosenthal, of New York, N. Y.; William Curran, of Baltimore, Md.; T. Barton Harrington, of Baltimore, Md.; J. Edgar Harvey, of Salisbury, Md.; Thomas G. Gray, of Baltimore, Md.; Samuel W. Sherman, of New York, N. Y.; Jack J. Lande, of Clio, Mich.; R. Paul Sanford, of Danville, Va.; William F. Campbell, Jr., of Brooklyn, N. Y.; Sol D. Kapelsohn, of Newark, N. J.; Edward I. Pollock, of Los Angeles, Calif.; Emanuel Becker, of Los Angeles, Calif.; Philip Redmond Monahan, of Worcester, Mass.; Leonard I. Schreiber, of New York, N. Y.; Julius Levy, of New York, N. Y.; Charles Mead Fistere, of Washington, D. C.; and Edward Norwalk, of New York, N. Y., were admitted to practice.

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Mr. Justice Black said:

“The President, with the advice and consent of the Senate, has appointed Fred M. Vinson, of Kentucky, to be Chief Justice of the United States. He has presented his commission which will be filed, together with his oaths which he has previously taken in the forms prescribed by law.”

The commission of Mr. Chief Justice Vinson is in the words and figures following, viz:

“HARRY S. TRUMAN

“President of the United States of America

“*To all who shall see these Presents, Greeting:*

“Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Fred M. Vinson, of Kentucky, I have nominated, and, by and with the advice and consent of the Senate, do appoint him Chief Justice of the United States and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges, and emoluments to the same of right appertaining, unto Him, the said Fred M. Vinson, during his good behavior.

“IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

“Done at the City of Washington this twenty-first day of June, in the year of our Lord one thousand nine hundred and forty-six, and of the Independence of the United States of America the one hundred and seventieth.

“HARRY S. TRUMAN.

“By the President:

“TOM C. CLARK,  
“*Attorney General.*”

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The Chief Justice said:

“I announce with profound regret the death on August 24, 1946, of James Clark McReynolds, a retired Associate Justice of this Court.

“Justice McReynolds was an Assistant Attorney General of the United States from 1903 to 1907 under appointment of President Theodore Roosevelt. He served as Attorney General of the United States from March 1913 to August 1914 under appointment of President Woodrow Wilson. Then he was appointed an Associate Justice of the Supreme Court by President Woodrow Wilson, serving until his retirement, February 1, 1941.

“He was an active member of this Court for twenty-seven years. He was a vigorous, capable, determined, and forthright member. His death brought to a close a distinguished career and a life of devotion to duty. At an appropriate time, the Court will receive the resolutions of the Bar in tribute to his memory.”

No. 246. The Connecticut Company, petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit. Dismissed on motion of counsel for the petitioner.

No. 440. The United States of America et al., appellants, *v.* The State of New York et al. Appeal from the District Court of the United States for the Northern District of New York. Dismissed on motion of counsel for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 14, will be as follows: Nos. 3, 4 (and 5), 37, 6 (7, 8, 9, and 10), 11, 38 (and 39), 12 (13, 14, 15; 16, 17, 18, and 19), 20, 84, and 40.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Robert B. Harbison, of Altus, Okla.; Harry C. Steinberg, of El Dorado, Ark.; James Melbourne Hinton, of Akron, Ohio; Solomon H. Skolnick, of Woonsocket, R. I.; Harry J. Stein, of New York, N. Y.; Harry L. Marcus, of Brooklyn, N. Y.; Herbert L. Maltinsky, of Brooklyn, N. Y.; William K. Miller, of Newark, N. J.; Laurence L. Crispin, of Woodbury, N. J.; Ernest Robertson, of Wichita Falls, Tex.; John H. Fetterhoff, of Indianapolis, Ind.; Thaddeus B. Rowe, of Chicago, Ill.; Isaac C. Sutton, of Philadelphia, Pa.; Frederick E. Weinberg, of New York, N. Y.; Ernest Wunsch, of Detroit, Mich.; Robert C. Fable, Jr., of Philadelphia, Pa.; Joseph A. Murphy, of Trenton, N. J.; Benjamin Byrd Garland, of Jackson, Ga.; Burnham Enersen, of San Francisco, Calif.; Theodore Le Blanc, of Washington, D. C.; Prentiss Ward Evans, of Crisfield, Md.; Thomas J. Hughes, of Detroit, Mich.; William L. Pack, of Laurel, Miss.; Stanley Hoods, of Chicago, Ill.; Hilary Dennison Mahin, of Bartlesville, Okla.; Sylvester S. Garfield, of Lyndhurst, N. J.; John P. Geiger, of San Francisco, Calif.; Walter M. Nelson, of Detroit, Mich.; and James A. Dilkes, of New York, N. Y., were admitted to practice.

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The Chief Justice announced the following orders of the Court:

No. 210. W. E. Whitmore, appellant, *v.* R. L. Ormsbee, Commissioner of the Bureau of Revenue, State of New Mexico;

No. 211. KGFL, Inc., appellant, *v.* R. L. Ormsbee, Commissioner of the Bureau of Revenue, State of New Mexico; and

No. 212. Robert D. Houck, Hoyt Houck, Walter G. Russell et al., etc., appellants, *v.* R. L. Ormsbee, Commissioner of the Bureau of Revenue, State of New Mexico. Appeals from the District Court of the United States for the District of New Mexico. *Per curiam*: The motions to affirm are granted and the judgments are affirmed. (1) *Hillsborough v. Cromwell*, 326 U. S. 620, 623; *Matthews v. Rodgers*, 284 U. S. 521, 525; (2) *Union Brokerage Co. v. Jensen*, 322 U. S. 202.

No. 276. General Transportation Company, A. B. & C. Transportation Co., et al., appellants, *v.* United States and Interstate Commerce Commission. Appeal from the District Court of the United

States for the District of Massachusetts. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. Secs. 5 (2) (a), 203 (a) (14), 212 (a), Interstate Commerce Act, as amended, 49 U. S. C., Secs. 5, 303 (a) (14), 312 (a).

No. 296. Otis Evans, Trading as Otis Evans Truck Line, appellant, *v.* United States and Interstate Commerce Commission. Appeal from the District Court of the United States for the Western District of Virginia. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. *Alton Railroad Co. v. United States*, 315 U. S. 15, 25; *United States v. Carolina Freight Carriers Corporation*, 315 U. S. 475, 484, 490; *Mississippi Valley Barge Line Co. v. United States*, 292 U. S. 282, 286-7.

No. 318. Louise McGrew Moffett and Louise McGrew Moffett, as Executrix of the Estate of Thomas S. Moffett, Deceased, appellants, *v.* Commerce Trust Company et al. Appeal from the Supreme Court of Missouri. *Per curiam*: The motion to dismiss is granted, and the appeal is dismissed for the reason that the decision of the state court sought here to be reviewed was based upon a non-federal ground adequate to support it. *Enterprise Irrigation District v. Canal Co.*, 243 U. S. 157, 165; *Utley v. St. Petersburg*, 292 U. S. 106, 111.

No. 338. Max Kut, appellant, *v.* Bureau of Unemployment Compensation of the State of Ohio et al. Appeal from the Supreme Court of Ohio. *Per curiam*: The motion to dismiss is granted, and the appeal is dismissed for the reason that the decision of the state court sought here to be reviewed was based upon a non-federal ground adequate to support it. *Berea College v. Kentucky*, 211 U. S. 45.

No. 374. Darwyn Gallup, appellant, *v.* Township of Lower Merion. Appeal from the Superior Court of the Commonwealth of Pennsylvania. *Per curiam*: The motion to dismiss is granted, and the appeal is dismissed for want of a substantial federal question. *Hadacheck v. Los Angeles*, 239 U. S. 394; *New Orleans Public Service v. New Orleans*, 281 U. S. 682.

No. 424. Memphis Natural Gas Company, appellant, *v.* George F. McCanless, Commissioner of Finance and Taxation for the State of Tennessee. Appeal from the Supreme Court of Tennessee. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code, as amended, 28 U. S. C. Sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by Sec. 237 (c) of the Judicial Code, as amended, 28 U. S. C. Sec. 344 (c), certiorari is denied.

No. 220. Rushell Bailey, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals

for the Seventh Circuit. *Per curiam*: The Court having given consideration to the Government's confession of error, the petition for writ of certiorari is granted and the judgment of the Circuit Court of Appeals is reversed.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

ORDER

IT IS ORDERED that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, agreeably to the Acts of Congress in such case made and provided, and that such allotment be entered of record, viz:

- For the First Circuit, Felix Frankfurter, Associate Justice.
- For the Second Circuit, Robert H. Jackson, Associate Justice.
- For the Third Circuit, Harold H. Burton, Associate Justice.
- For the Fourth Circuit, Fred M. Vinson, Chief Justice.
- For the Fifth Circuit, Hugo L. Black, Associate Justice.
- For the Sixth Circuit, Stanley Reed, Associate Justice.
- For the Seventh Circuit, Frank Murphy, Associate Justice.
- For the Eighth Circuit, Wiley Rutledge, Associate Justice.
- For the Ninth Circuit, William O. Douglas, Associate Justice.
- For the Tenth Circuit, Wiley Rutledge, Associate Justice.
- For the District of Columbia, Fred M. Vinson, Chief Justice.

No. 10, Original. The United States of America, complainant, *v.* The State of Wyoming and the Ohio Oil Company. The report of the Special Master herein is received and ordered filed. Exceptions or objections, if any, to the report of the Special Master are to be filed on or before December 2d next.

No. 1, Misc. William Watkins, petitioner, *v.* State of Indiana and Ralph Howard, as Warden;

No. 3, Misc. Ralph Reavis, petitioner, *v.* Walter G. Nierstheimer, Warden;

No. 5, Misc. Andrew Vialva, petitioner, *v.* Francis C. Shaw, Director, Dannemora State Hospital, etc.;

No. 6, Misc. Harold Fields, petitioner, *v.* W. C. Parker, Warden;

No. 7, Misc. Ollie Bernard Morris, petitioner, *v.* State of Delaware;

No. 8, Misc. Constantinos Drakos, petitioner, *v.* Walter Nierstheimer, Warden;

No. 9, Misc. William Bishop Donnell, petitioner, *v.* B. B. Stewart, Acting Warden;

- No. 10, Misc. James Hanson, petitioner, *v.* W. Frank Smyth, Superintendent;
- No. 11, Misc. Clarence McCauley, petitioner, *v.* Joseph E. Ragen, Warden;
- No. 13, Misc. Charles Myron Godwin, petitioner, *v.* W. Frank Smyth, Jr., Superintendent;
- No. 17, Misc. Sam Miner, petitioner, *v.* Joseph E. Ragen, Warden;
- No. 21, Misc. Ex parte John Trent, petitioner;
- No. 23, Misc. Fred Wallace Bantz, petitioner, *v.* P. J. Squier, Warden; and
- No. 26, Misc. United States ex rel. Valentine McAuliffe, petitioner, *v.* Commonwealth of Pennsylvania. The motions for leave to file petitions for writs of habeas corpus are denied.
- No. 12, Misc. Albert R. House, petitioner, *v.* Nathan Mayo, Prison Custodian of Florida, et al. The motions for leave to file petitions for writs of habeas corpus and certiorari are denied.
- No. 4, Misc. Cecil L. Wright, petitioner, *v.* Tom C. Clark, Attorney General, et al. The application to withdraw the motion for leave to file petition for writ of habeas corpus is granted.
- No. 27, Misc. People of the United States ex rel. Edward McColister, petitioner, *v.* Joseph E. Ragen, Warden. The motion for leave to file petition for writ of mandamus is denied.
- No. 2, Misc. Chester Slivensky, petitioner, *v.* People of the State of New Jersey;
- No. 14, Misc. Vergil D. McMillan et al., petitioners, *v.* Francis W. Taylor et al.;
- No. 15, Misc. Paul Dvorak, petitioner, *v.* E. M. Stubblefield;
- No. 16, Misc. James M. Smith, petitioner, *v.* M. J. Pescor, Warden;
- No. 22, Misc. Dorsey McMahan, petitioner, *v.* Tom C. Clark, Attorney General;
- No. 28, Misc. Ex parte Orville Legrand Brown, petitioner; and
- No. 29, Misc. In the Matter of James L. P. Rumble, petitioner. The applications are denied.
- No. 18, Misc. Ex parte Ralph K. Betz, petitioner;
- No. 19, Misc. Ex parte Kathleen B. Nash Durant, petitioner;
- No. 24, Misc. Ex parte William Raymond Wills, petitioner;
- No. 25, Misc. Ex parte Rudolph Cutino, petitioner;
- No. 30, Misc. Ex parte Daniel P. Walczak, petitioner;
- No. 31, Misc. Ex parte William C. McKinley, petitioner; and
- No. 32, Misc. Ex parte George B. Murphy, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied for want of original jurisdiction. Mr. Justice Black and Mr. Justice Rutledge are of the opinion that as in Ex parte Hawk, 321 U. S. 114

(see also *White v. Ragen*, 324 U. S. 760, 765) where this Court declined to entertain an application for relief by habeas corpus, the petitions for habeas corpus should be denied without prejudice to their being filed in the appropriate District Court. See *Ex parte Endo*, 323 U. S. 283, 304-306. Mr. Justice Murphy is of the view that these petitions raise questions as to jurisdiction and proper procedure which should be heard and determined by this Court. Mr. Justice Jackson took no part in the consideration or decision of the application in No. 19, Miscellaneous.

No. 3. Gath P. Freeman, Trustee Under the Will and of the Estate of Henry C. Starr, Deceased, appellant *v.* Gilbert K. Hewit, Director of Gross Income Tax Division, Department of Treasury, State of Indiana. On consideration of the suggestion of the death of Gath P. Freeman the motion to substitute Almira G. Freeman as the party appellant herein is granted.

No. 58. General Leland S. Hobbs, Post Commanding Officer, Fort Dix, New Jersey, petitioner *v.* United States ex rel. Harry Horiwitz; and

No. 59. General Leland S. Hobbs, Post Commanding Officer, Fort Dix, New Jersey, petitioner *v.* United States ex rel. Jacob S. Samuels. The motion to substitute Major General W. W. Eagles as the party petitioner herein in the place and stead of Major General Leland S. Hobbs is granted.

No. 34. George Harris, petitioner, *v.* The United States of America. The motion of the petitioner for leave to proceed further herein *in forma pauperis* is granted.

No. 72. The Interstate Commerce Commission, appellant, *v.* A. L. Mechling, Doing Business Under the Trade Name and Style of A. L. Mechling Barge Line et al. The motion of the appellant as to the printing of the record is granted.

No. 514. The United States of America *v.* Maria R. Lauro, as Administratrix of the Goods, Chattels, and Credits of Peter Lauro, Deceased. This case is transferred to the summary docket and assigned for argument immediately following No. 69.

No. 47. George E. Hickman, as Administrator of the Estate of Norman E. Hickman, Deceased, petitioner, *v.* John M. Taylor and George Anderson, Individually and Trading as Taylor & Anderson Towing and Lighterage Company et al. The motion of the United Railroad Workers of America for leave to present oral argument as *amicus curiae* is denied.

No. 253. The United States of America, appellant, *v.* The Pullman Company et al.;

No. 254. Otis & Co., appellant, *v.* The United States of America et al.;

No. 255. The Chesapeake & Ohio Railroad Company, et al., appellants, *v.* The United States of America et al.; and

No. 256. Glore, Forgan & Co., appellant, *v.* The United States of America et al. In these cases probable jurisdiction is noted. Mr. Justice Jackson took no part in the consideration or decision of this question.

No. 291. Marion B. Kotch, John L. Richards, Adolph Clark, et al., appellants, *v.* Board of River Port Pilot Commissioners for the Port of New Orleans et al. In this case probable jurisdiction is noted.

No. 343. State of New York, State of Delaware, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, State of Alabama, et al.;

No. 344. State of Maine, State of New Hampshire, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al.;

No. 345. The Atchison, Topeka and Santa Fe Railway Company et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. In these cases probable jurisdiction is noted. The motion to advance is granted and the cases are assigned for argument on Monday, January 6, next. On consideration of the motion for a diminution of the printed record it is denied.

No. 385. Atlantic Coast Line Railroad Company, appellant, *v.* M. E. Thompson, State Revenue Commissioner of the State of Georgia. In this case probable jurisdiction is noted.

No. 141. The Confederated Bands of the Ute Indians, petitioners, *v.* United States. Petition for writ of certiorari to the Court of Claims granted.

No. 148. Edgar S. Albrecht and Geraldine Albrecht, His Wife, et al., petitioners, *v.* United States;

No. 149. Edward J. Linnenbringer, petitioner, *v.* United States;

No. 150. Dennis B. Pitman and May Dell Pitman, petitioners, *v.* United States;

No. 151. A. Ray Oliver, Executor of the Estate of Lola Castlio Oliver, Deceased, et al., petitioners, *v.* United States; and

No. 155. Q. W. S. S. Realty and Investment Company, petitioner, *v.* United States. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted.

No. 208. Transparent-Wrap Machine Corporation, petitioner, *v.* Stokes & Smith Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 209. Adam A. Adams, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 229. Robert P. Patterson, Secretary of War, et al., petitioners, *v.* James John Lamb. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 235. United States, petitioner, *v.* Standard Oil Company of California and Ira Boone. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 241. Conway C. Craig, Bob McCracken, and Tom Mulvany, petitioners, *v.* John B. Harney, Sheriff of Nueces County, Texas. Petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas granted.

No. 270. Industrial Commission of Wisconsin, Leo Thomas Kopp and State of Wisconsin, petitioners, *v.* E. E. McCartin and Continental Casualty Company. Petition for writ of certiorari to the Supreme Court of Wisconsin granted.

No. 335. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* The Nashville, Chattanooga & St. Louis Railway. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit; and

No. 336. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* Portland Terminal Company. On petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit. The petitions for writs of certiorari are granted.

No. 377. Joseph S. Fay, petitioner, *v.* The People of the State of New York; and

No. 452. James Bove, petitioner, *v.* The People of the State of New York. Petitions for writs of certiorari to the Court of Appeals of the State of New York granted.

No. 384. People of the State of New York ex rel. Rose Halvey, petitioner, *v.* John F. Halvey, Custodian of John Arthur Halvey. Petition for writ of certiorari to the Court of Appeals of the State of New York granted.

No. 404. Mexican Light & Power Company, Ltd., petitioner, *v.* The Texas Mexican Railway Company. Petition for writ of certiorari to the Supreme Court of Texas granted.

No. 429. United States, petitioner, *v.* Leslie Fullard-Leo, Ellen Fullard-Leo, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 443. Harry O. Pauly, petitioner, *v.* Wilson McCarthy and Henry Swan, Trustees of the Denver and Rio Grande Western Railroad Company. Petition for writ of certiorari to the Supreme Court of Utah granted.

No. 106. United States, petitioner, *v.* The Thayer-West Point Hotel Company. Petition for writ of certiorari to the Court of Claims granted and case transferred to the summary docket.

No. 190. Zachary Bozza, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted and case transferred to the summary docket.

No. 265. Frank A. Cardillo, Deputy Commissioner, United States Employees' Compensation Commission, petitioner, *v.* Liberty Mutual Insurance Company et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted and case transferred to the summary docket.

No. 367. John Myers, petitioner, *v.* Reading Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted and case transferred to the summary docket.

No. 371. United States National Bank in Johnstown and First National Bank of South Fork, petitioners, *v.* Chase National Bank of the City of New York and Lester Larimer, Trustee. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted and case transferred to the summary docket.

No. 430. United States, petitioner, *v.* Ogilvie Hardware Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and case transferred to the summary docket.

No. 432. Aetna Casualty & Surety Company and J. A. Jones Construction Company, petitioners, *v.* Mrs. Fannie M. Flowers. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted and case transferred to the summary docket.

No. 94. United States, petitioner, *v.* N. Y. Rayon Importing Co., Inc. (#2), and Alfred L. Rose, et al.; and

No. 96. N. Y. Rayon Importing Co., Inc. (#2), and Alfred L. Rose, Norman S. Goetz, et al., petitioners, *v.* United States. The petitions for writs of certiorari to the Court of Claims are granted and the cases are transferred to the summary docket and assigned for argument immediately following No. 106.

No. 206. Eugene Koster, petitioner, *v.* (American) Lumbermen's Mutual Casualty Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted and case transferred to the summary docket and assigned for argument immediately following No. 93.

No. 207. Emory S. Land (Chairman, United States Maritime Commission), Howard L. Vickery (Vice Chairman, United States Maritime Commission), et. al., petitioners, *v.* R. Stanley Dollar, Dollar Steamship Line, et al. On consideration of the motions to substitute filed by the Solicitor General, it is ordered that Richard Parkhurst be substituted as a party petitioner in the place and stead of Howard L. Vickery, deceased, and that W. W. Smith and Grenville Mellen be added as parties petitioner. Further consideration of the question of eliminating Emory S. Land and Edward Macauley as parties petitioner is postponed to the hearing of the case on the merits. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is granted. Mr. Justice Black took no part in the consideration or decision of these applications.

No. 264. Teodoro Cantos, Also Known as Teodoro Tatishi, petitioner, *v.* Lieutenant General Wilhelm D. Styer, Commanding General, United States Army Forces. Petition for writ of certiorari to the Supreme Court of the Philippines is granted and the case assigned for argument immediately following No. 145.

No. 287. J. Robert Bazley, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted and the case assigned for argument immediately following No. 209.

No. 400. Northern Pacific Railway Company, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and case is transferred to the summary docket and assigned for argument immediately following No. 57.

No. 184. A. N. Cone, petitioner, *v.* West Virginia Pulp and Paper Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted limited to the questions of federal procedure raised by the petition for the writ.

No. 99. R. H. Crowley, petitioner, *v.* United States. Petition for writ of certiorari to the Court of Claims denied.

No. 100. Silas Mason Company, Inc., Walsh Construction Company, Atkinson-Kier Company, petitioners, *v.* United States. Petition for writ of certiorari to the Court of Claims denied.

No. 104. Kirby Lumber Company, petitioner, *v.* Denman Kountze et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 107. B. C. D. Bynum, Individually, etc., petitioner, *v.* Phillips Petroleum Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 108. Clarence J. Thompson, petitioner, *v.* The State of Georgia. Petition for writ of certiorari to the Court of Appeals of the State of Georgia denied.

No. 109. Merchants and Manufacturers Association of Los Angeles, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 110. Charles M. Crowhurst et al., petitioners, *v.* Joseph Grasso. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 111. The State of Texas, petitioner, *v.* Antonio C. Chuoke et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 113. J. L. Lewellyn, petitioner, *v.* Joseph B. Fleming and Aaron Colnon, Trustees of the Chicago, Rock Island & Pacific Railway Company, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 116. Walton-Viking Company, petitioner, *v.* Walter Kidde & Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 117. W. D. Witter and Joseph Willens, petitioners, *v.* G. J. Nikolas et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 118. E. L. O'Neal, Administrator, petitioner, *v.* Union Producing Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 120. Benjamin Waite Blanchard, Jr., petitioner, *v.* Casper W. Ooms, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 121. Marie Cooper Dieckhaus, petitioner, *v.* Twentieth Century-Fox Film Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 123. The People of the State of California, petitioner, *v.* Elmer W. Edmondson. Petition for writ of certiorari to the Superior Court in and for the County of Los Angeles, State of California, denied.

No. 125. George Brooks, Thomas Adametz, John Braen, et al., petitioners, *v.* United States ex rel. David Bayarsky. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 126. William H. Reid, petitioner, *v.* Sandy Lynn Nelson, an Infant, by Edna Nelson, Her Next Friend, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 127. The Seven Up Company, petitioner, *v.* Cheer Up Sales Company of St. Louis, Missouri, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 128. Liberty Mutual Insurance Company and Contractors Pacific Naval Air Bases, an Association, petitioners, *v.* Warren H. Pillsbury, Deputy Commissioner of the United States Employees' Compensation Commission for the 13th Compensation District and Walter L. Wood. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 133. John H. Chatz, Trustee in Bankruptcy of Hoaglund & Allum Co., Inc., petitioner, *v.* Midco Oil Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 135. The Continental Bank & Trust Company of New York, as Trustee, Under an Indenture of Trust Dated December 8, 1932, petitioner, *v.* Dora Winter. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 136. H. Gates Lloyd, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 137. Third National Bank in Nashville, petitioner, *v.* Federal Savings and Loan Insurance Corporation; and

No. 138. Third National Bank in Nashville, petitioner, *v.* Federal Deposit Company of Maryland. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 143. San Geronimo Development Company, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 144. Helen C. Calvert, petitioner, *v.* Charles Henry Smith et al. Petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia denied.

No. 146. Zeola Martin Rimbow et al., Doing Business in the Firm Name of Huckaby Funeral Service, petitioners, *v.* Rose Esther Rimbow et al. Petition for writ of certiorari to the Court of Civil Appeals, 1st Supreme Judicial District, State of Texas, denied.

No. 152. Robert W. Barnes, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 156. E. M. George-Howard and Wooddy Swearingen, petitioners, *v.* Federal Deposit Insurance Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 157. William Archibald Hedrick, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 158. J. E. Haddock, Limited, and United Pacific Insurance Company, petitioners, *v.* Warren H. Pillsbury, Deputy Commissioner, and Hugh A. Voris, Assistant Deputy Commissioner, of the United States Employees' Compensation Commission for the 13th Compensation District, and Adela F. Much. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 161. Crawford & Doherty Foundry Company, petitioner, *v.* Paul A. Porter, Administrator of the Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 162. H. Moffat Company, petitioner, *v.* Southern Pacific Company; and

No. 163. Union Sheep Company, petitioner, *v.* Southern Pacific Company. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 165. George W. Peeler, petitioner, *v.* Mrs. Essie Cook Caver Peeler. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 166. Anthony Volkringer, Also Known as Tony E. Volkringer, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 177. Joseph Alfano, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 185. Anchor Serum Company, a Corporation of Missouri, petitioner, *v.* American Cooperative Serum Association, a Corporation of Iowa; and

No. 186. Illinois Farm Bureau Serum Association, a Corporation of Illinois, petitioner, *v.* American Cooperative Serum Association, a Corporation of Iowa. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 187. Realty Operators, Inc., petitioner, *v.* Commissioner of Internal Revenue;

No. 188. William Henderson (Partnership), petitioner, *v.* Commissioner of Internal Revenue; and

No. 189. Laurence M. Williams, as Liquidator of Sterling Sugars, Inc., Formerly a Louisiana Corporation, and Sterling Sugar Sales Corp., petitioners, *v.* Commissioner of Internal Revenue. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 217. Mishawaka Rubber and Woolen Manufacturing Company, petitioner, *v.* Panther-Panco Rubber Co., Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 219. Lindsay Powell, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 221. Clarence Goin, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 224. J. K. Dunscombe, petitioner, *v.* Scott W. Loftin and John W. Martin, as Trustees of Florida East Coast Railway Co., Debtor. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 226. William A. Dyer, Lulu Lynch, Administratrix of the Estate of Everett Dyer, Deceased, et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 228. Troy Laundry Company and F. R. Miller, Vice President of Troy Laundry Company, petitioners, *v.* W. Willard Wirtz, Chairman of the National Wage Stabilization Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 230. Edwin Charles Beauchamp, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 236. Henry M. Ladrey and Eva W. Ladrey, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 239. Joseph Meltzer and Bertha Meltzer, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 243. Julius Wolpe, et al., petitioners, *v.* Harry Poretsky et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 244. Dewey Schmoll, Successor Assignee for Benefit of Creditors, etc., and National Surety Corporation, petitioners, *v.* United States. Petition for writ of certiorari to the Court of Claims denied.

No. 245. Roy G. Fitzgerald, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No 262. May Department Stores Company, Doing Business as Famous-Barr Company, petitioner, *v.* National Labor Relations

Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 267. The Bank of California National Association, Executor of the Estate of Margaret Eyre Girvin, Deceased, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 268. O. William Lowry, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 269. Henry A. Gardner, Trustee of the Alton Railroad Company, petitioner, *v.* Florence Griswold, Administratrix of the Estate of Loyal S. Griswold, Deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 279. Abraham Kirschenbaum, petitioner, *v.* Commissioner of Internal Revenue; and

No. 280. Harry Banner, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 285. David E. Cool, petitioner, *v.* International Shoe Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 290. Sigismund Francis Swaczyk, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 292. The Union Metal Manufacturing Company et al., petitioners, *v.* Casper W. Ooms, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 298. James A. Byerly, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 306. J. Wilson Turner, Washington Highlands Construction Company, et al., petitioners, *v.* Marie McC. Deming, John R. Shields and Harvey L. Cobb. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 307. Pare Lorentz, petitioner, *v.* R. K. O. Radio Pictures, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 309. Asa Ray French and Glenda Beatrice French, petitioners, *v.* Donald Lindley French, a Minor, by Mildred B. French, His Mother and Next Friend. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 317. Estate of Joseph F. De Castro, Deceased, Kings County Trust Company, Executor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 321. John H. Chatz, Trustee in Bankruptcy of Howard Haberman, Doing Business as The Club Store, et al., petitioners, *v.* Armour Plant Employees Credit Union; and

No. 322. John H. Chatz, Trustee in Bankruptcy of Howard Haberman, Doing Business as The Club Store, et al., petitioners, *v.* Andrew A. Todd et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 324. Estate of Frank A. Vanderlip, Deceased, et al., etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 325. A. P. Hudson and H. Isaiah Smith, Special Receivers of Fidelity Assurance Association, etc., petitioners, *v.* L. H. Brooks, Trustee, Elbridge W. Palmer and R. L. Maloney. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 328. Samuel M. Coombs, Jr., Trustee in Bankruptcy of Spier Aircraft Corporation, Bankrupt, petitioner, *v.* City of Jersey City. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 330. Crossett Western Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 331. J. A. Hagan, Individually, and Doing Business as El Rey Cheese Co., et al., petitioners; *v.* Paul A. Porter, Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 339. F. C. Moser, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 341. Sharp & Fellows Contracting Company, petitioner, *v.* F. P. Basler. Petition for writ of certiorari to the District Court of Appeal, 4th Appellate District, State of California, denied.

No. 342. Daniel Birmeli Dingman, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 346. Silesian American Corporation, Debtor, and Silesian Holding Company, petitioners, *v.* James E. Markham, Alien Property Custodian. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 347. Phillips Petroleum Company, petitioner, *v.* Clay Johnson. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 358. Suncook Valley Railroad, petitioner, *v.* Boston and Maine Railroad. Petition for writ of certiorari to the Supreme Court of New Hampshire denied.

No. 359. Philadelphia Company, petitioner, *v.* Jules Guggenheim et al.;

No. 360. Philadelphia Company, petitioner, *v.* City of Pittsburgh;

No. 361. Philadelphia Company, petitioner, *v.* Horace F. Baker and John A. Beattie, Protective Committee for Southern Traction Company 50-Year First Mortgage, etc., Bonds;

No. 362. Monongahela Street Railway Company et al., petitioners, *v.* Jules Guggenheim et al.;

No. 363. Monongahela Street Railway Company et al., petitioners, *v.* City of Pittsburgh; and

No. 364. Monongahela Street Railway Company et al., petitioners, *v.* Horace F. Baker and John A. Beattie, Protective Committee for Southern Traction Company 50-Year First Mortgage, etc., Bonds. Petitions for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 372. Emil H. Wasserberger, petitioner, *v.* Beatrice Altmayer Rodney and Donald T. Mullane. Petition for writ of certiorari to Surrogate's Court, New York County, State of New York, denied.

No. 373. Petit Anse Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 375. Armour and Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 386. Coy Thompson, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 387. Ensley Bank and Trust Company, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 388. Margaret Bollinger and Charles W. Bollinger, petitioners, *v.* Gotham Garage Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 394. The Trust Company of Chicago, Administrator of Estate of Elizabeth Palmer Smith, Deceased, et al., etc., petitioners, *v.* City of Chicago et al. Petition for writ of certiorari to the Appellate Court, First District, State of Illinois, denied.

No. 399. Mrs. George C. Wright and Virgil M. Guthrie, petitioners, *v.* William P. Mitchell. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 401. The Brooklyn National Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 402. William Henry Ledford, William Ramsey Brock, W. B. Lint, et al., petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 403. Madge Christie, petitioner, *v.* George M. Cohan et al., Executors, and Kathleen Nolan Harris, Executrix, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 408. H. C. Orton, D. C. Wolf, J. B. Johnston, et al., etc., petitioners, *v.* Group of Institutional Investors et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 411. Harold Herman, petitioner, *v.* The People of the State of New York, on Complaint of Michael Fitzgerald. Petition for writ of certiorari to the Appellate Division, Supreme Court, First Judicial Department, State of New York, denied.

No. 420. Nathan A. Dobbins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 421. Standard Oil Company of Louisiana, Southern Boiler and Tank Works, Standard Supply and Hardware Company, et al., petitioners, *v.* Steam Sternwheel Towboat "Kongo" and Reconstruction Finance Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 423. W. E. Hedger Transportation Corporation, petitioner, *v.* Ira S. Bushey & Sons, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 426. Western Airlines, Inc., petitioner, *v.* Hilda Ogden Bratt, Barbara Ann Bratt, a Minor, By Her Guardian Ad Litem, Hilda Ogden Bratt, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 428. Commissioner of Internal Revenue, petitioner, *v.* J. M. Beck, Mae Ward Byerly, and George Carruthers, Trustees, J. A. Byerly Trust. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 441. George W. Benz, Jose B. Calva, and Calva Fur Patents Corporation, petitioners, *v.* Celeste Fur Dyeing and Dressing Cor-

poration et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 444. Edward V. Dunphy and Annabelle E. Dunphy, petitioners, *v.* George N. Graham, Judge, Court of Common Pleas, Stark County, Ohio, et al. Petition for writ of certiorari to the Supreme Court of Ohio, denied.

No. 115. Esther Crystal Pickett, Otherwise Known as E. C. Pickett, petitioner, *v.* Chester Bowles, Administrator, Office of Price Administration. The motion to substitute Paul A. Porter, present Administrator, Office of Price Administration, in the place and stead of Chester Bowles is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit is denied.

No. 237. C. B. Wood, petitioner, *v.* Chester Bowles, Administrator, Office of Price Administration. The motion to substitute Paul A. Porter, present Administrator, Office of Price Administration, in the place and stead of Chester Bowles is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is denied.

No. 319. Mannie & Co., a Corporation, et al., petitioners, *v.* Chester A. Bowles, Administrator, Office of Price Administration, For and On Behalf of the United States. The motion to substitute Paul A. Porter, present Administrator, Office of Price Administration, in the place and stead of Chester Bowles is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit is denied.

No. 129. Columbia Gas & Electric Corporation, petitioner, *v.* United States et al.;

No. 130. Columbia Gas & Electric Corporation, petitioner, *v.* United States et al.; and

No. 131. Columbia Gas & Electric Corporation, petitioner, *v.* United States et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 147. Earl C. Gibbs, Inc., petitioner, *v.* Defense Supplies Corporation and Reconstruction Finance Corporation. Petition for writ of certiorari to the United States Emergency Court of Appeals denied. The Chief Justice took no part in the consideration or decision of this application.

No. 154. Atlantic Meat Company, Inc., petitioner, *v.* The Reconstruction Finance Corporation. Petition for writ of certiorari to the United States Emergency Court of Appeals denied. The Chief Justice took no part in the consideration or decision of this application.

No. 232. Robert B. Blalack, petitioner *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 231. Arkansas Natural Gas Corporation, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 272. Milner Hotels, Inc., Owner and Operator of Tyler Hotel, petitioner, *v.* Paul A. Porter, Price Administrator, etc.; and

No. 273. 101 East First Street Incorporated, Owner and Operator of Milner Hotel, petitioner *v.* Paul A. Porter, Price Administrator, etc. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 422. Nanny Wood Honeyman, Executrix of the Estate of David T. Honeyman, Deceased, etc., et al., petitioners *v.* Matt S. Hughes, Trustee in Bankruptcy of Honeyman Hardware Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 160. Howard University, a Corporation, petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Murphy is of the opinion that the petition should be granted.

No. 183. Ralph Henry Cahoon, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Murphy is of the opinion that the petition should be granted.

No. 323. Joe W. Buice, petitioner, *v.* Colonel Howard S. Patterson et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. Mr. Justice Murphy and Mr. Justice Rutledge are of the opinion that the petition should be granted.

No. 176. Bernard M. Shotkin, petitioner, *v.* Judges, Superior Court, Atlanta Circuit. On petition for writ of certiorari to the Supreme Court of Georgia;

No. 178. Paysoff Tinkoff, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 247. Theodore Bentz, petitioner, *v.* The People of the State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 271. Ysabel Bibby V D A DePadilla, Executrix of the Estate of Narciso A. Padilla, Deceased, petitioner, *v.* Concepcion Paterno V D A DePadilla. On petition for writ of certiorari to the Supreme Court of the Philippines; and

No. 274. Paysoff Tinkoff, petitioner, *v.* West Publishing Company et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. The motions to dispense with the printing of the records in these cases are granted. The petitions for writs of certiorari are denied.

No. 289. Dan S. Martin, Jr., petitioner, *v.* Esther R. Wagner, as Executrix of the Estate of Zoe R. Martin, Deceased, et al. On petition for writ of certiorari to the Supreme Court of Alabama; and

No. 378. Roy Grant, Jr., Doing Business as No Sleet Windshield Heater Company, petitioner, *v.* General Motors Corporation et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. On consideration of the suggestions of a diminution of the records and motions for writs of certiorari in that relation, the motions for certiorari are denied. The petitions for writs of certiorari are also denied.

No. 297. Russell Box Company, petitioner, *v.* Grant Paper Box Company. The motion of Ensign Bickford Company for leave to file brief as *amicus curiae* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit is denied.

No. 301. Marcelino Garcia and Victor Alvarez, as Executors, etc., of Manuel Diaz, Deceased, et al., petitioners, *v.* Pan American Airways, Inc., and R. O. D. Sullivan. The petition for writ of certiorari to the Court of Appeals of New York is denied for the want of a final judgment.

No. 266. William B. Doak, petitioner, *v.* Federal Land Bank of Baltimore. The motion to dispense with the printing of the papers is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit is denied.

No. 101. Earle Cowen, petitioner, *v.* Robert A. Heinze, Warden, etc. On petition for writ of certiorari to the Supreme Court of California;

No. 112. B. T. Waller, petitioner, *v.* Northern Pacific Terminal Company of Oregon. On petition for writ of certiorari to the Supreme Court of Oregon;

No. 122. Guss Brown, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 132. United States ex rel. Angelo Russo, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 134. Antonelli Fireworks Co., Inc., Amerigo Antonelli et al., petitioners, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 139. Charles Elliott Wright, petitioner, *v.* Anna Lohr, Administratrix of the Estate of Frank Wilson, Deceased. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit;

No. 153. Alfred Lloyd Saunders, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 167. United States ex rel. Elmer Davis, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 168. George Ross Wagner, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 169. John Staryak, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court, Macoupin County, State of Illinois;

No. 170. John Staryak, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois; and

No. 171. John Staryak, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 172. Eddie Duncan, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 173. Robert George Banks, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 174. Anthony Wilkie, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Winnebago County, State of Illinois;

No. 175. John Pitts, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 179. Paul Jenkot, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 181. John Fedora and John Laska, petitioners, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 191. David Marr, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 192. Walter Kimler, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 193. Lester A. Samman, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Knox County, State of Illinois;

No. 194. Harold A. Witt, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 195. Harold A. Witt, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 196. William Mills, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 197. Joseph John Evans, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 198. Eugene J. Wroblewski, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 199. Peter Ristich, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 200. Peter Ristich, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 201. Peter Ristich, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 202. Santos Baronia, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 203. Santos Baronia, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 204. Joseph Gracos, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 205. Joseph F. De Viera, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Sangamon County, State of Illinois;

No. 213. John J. Kern, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 214. Roman Piskorz, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 215. Ernest Martin, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 216. Royal Provost, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 218. Frederic F. Wolter, petitioner, *v.* Safeway Stores, Inc. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 222. Walter Evenow, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 223. Arthur W. Miller, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Onondaga County, State of New York;

No. 227. Thomas Jefferson Whitehead, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 233. Custer M. Coyle, petitioner, *v.* The People of the State of California et al. On petition for writ of certiorari to the Supreme Court of California;

No. 234. John Dwyer, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Jefferson County, State of Illinois;

No. 238. Harry Covington, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 240. Joseph Ramos, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Court of General Sessions, New York County, State of New York;

No. 242. William Kobley, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 248. Edward Morris, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 249. Alonzo Pridgen, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 250. Alonzo Pridgen, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois; and

No. 251. Alonzo Pridgen, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 257. James Reno, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 259. Harold McMartin, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 260. Harry Minor, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 261. Arthur Robinson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 263. Joel O. Randall, petitioner, *v.* The State of Georgia. On petition for writ of certiorari to the Court of Appeals of Georgia;

No. 278. Ralph Barton Butz, petitioner, *v.* Earle Benjamin Searcy, Clerk of the Supreme Court of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 281. Ladell McKay, petitioner, *v.* State of Nevada and Richard Sheehy, Warden of State Prison. On petition for writ of certiorari to the Supreme Court of Nevada;

No. 282. Clarence C. Mason, petitioner, *v.* State of New York. On petition for writ of certiorari to the Court of General Sessions, County of New York, State of New York;

No. 283. Sterling Ferguson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 284. Abe Miller, petitioner, *v.* State of Kansas. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 286. Albert Hickman, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 293. Raymond Ater, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Warren County, State of Illinois;

No. 294. Willie Lane, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 295. Louis J. Biancone, petitioner, *v.* C. J. Burke, Warden, etc. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 299. Frank Palumbo, petitioner, *v.* J. Vernel Jackson, Warden, etc. On petition for writ of certiorari to the Court of Appeals of New York;

No. 300. Lillian B. Everett, petitioner, *v.* Wallis W. Downing. On petition for writ of certiorari to the Court of Appeals of Kentucky;

No. 302. Charles A. Anderson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 303. Theodore Scudieri, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 304. Sam Lott, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 305. Roy Judd, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 308. John Stub, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Claims;

No. 310. Michael Connellan, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Westchester County, State of New York;

No. 313. Roman J. Marcinkowski, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of New York;

No. 314. Walter Smith, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 315. Roosevelt Adams, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 326. George Woods, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 327. Henry Davis, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 329. John Flood, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Westchester County, State of New York;

No. 332. Robert Coleman, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 333. George Wilson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 337. John J. Piotrowski, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of Erie County, State of New York;

No. 348. Truitt E. Sexton, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 349. Thomas King, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 350. Jack William Shaffer, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 351. George Alexander, petitioner, *v.* Joseph E. Ragen, Warden, etc., et al. On petitions for writs of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 352. Cyrenean Noeth, petitioner, *v.* Joseph E. Ragen, Warden, etc., on petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 353. Cyrenean Noeth, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois; and

No. 354. Cyrenean Noeth, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 357. James Dewey Hipp, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 365. Fred Curry, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 366. John Stoker, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 370. Frank Egan, petitioner, *v.* State of California. On petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California;

No. 436. Frank Egan, petitioner, *v.* The People of the State of California and Clinton T. Duffy, Warden, et al. On petition for writ of certiorari to the Supreme Court of California;

No. 379. Daniel Hesly, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 380. Daniel Hesly, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 381. Austin E. Hardwick, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Scott County, State of Illinois;

No. 382. Lawrence Fog, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 383. Andrew Johnson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 390. Jack Lester Barnes, petitioner, *v.* State of Maryland. On petition for writ of certiorari to the Court of Appeals of Maryland;

No. 395. Fred Eason, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 396. John Conway, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 398. George Wade, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 406. William Anderson, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 407. Will Davis, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 409. Leo Sanders, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 412. Louise Andrews, petitioner, *v.* A. C. Aderhold, Warden, etc. On petition for writ of certiorari to the Supreme Court of Georgia;

No. 413. Donald Moore, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 414. Sam Mascio, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 416. Ernest Tait, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 434. Robert Coleman, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 437. Mitchell Janowicz, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 445. Lonnie Paynes, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 446. Edward J. Kruse, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 459. United States *ex rel.* Eugene J. Wroblewski, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 460. Frank Hayes Ross, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Marion County, State of Illinois;

No. 477. Eugene Crowley, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 478. United States ex rel. Victor Von Scherer, petitioner, v. Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of DeWitt County, State of Illinois;

No. 479. Harry F. Hill, petitioner, v. Robert H. Hudspeth, Warden, etc. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 480. Joseph Rios, petitioner, v. Joseph E. Ragen, Warden, etc.; and

No. 481. George Furman, petitioner, v. State of Illinois and Joseph E. Ragen, Warden, etc., et al. On petitions for writs of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 495. Gerald P. Fleeger, petitioner, v. The People of Illinois. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 496. William M. Lee, petitioner, v. The Department of Public Welfare and State Parole Board. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 499. People of the State of Illinois ex rel. Charles Hanson, petitioner, v. Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 500. People of the State of Illinois ex rel. Lionel Shaffer, petitioner, v. Joseph E. Ragen, Warden, etc., et al. On petition for writ of certiorari to the Circuit Court of Kane County, State of Illinois;

No. 507. Roy Judd, petitioner, v. Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 508. James Jones, petitioner, v. Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 509. John Ferris, petitioner, v. Joseph E. Ragen, Warden, etc.; and

No. 510. Francis Haines, petitioner, v. Walter Nierstheimer, Warden, etc. On petitions for writs of certiorari to the Criminal Court of Cook County, State of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

No. 225. Henry Long, petitioner, v. Gerald F. Bush, Acting Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. The motions for substitution and deferment of consideration are denied. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is denied.

No. 127, Misc., October Term, 1945. Peter Resco, petitioner, v. Joseph E. Ragen, Warden, etc.;

- No. 122, October Term, 1945. Julius Fisher, petitioner, *v.* United States;
- No. 274, October Term, 1945. F. O. Robertson, appellant, *v.* The People of the State of California;
- No. 510, October Term, 1945. Paul Knauer, petitioner, *v.* United States;
- No. 719, October Term, 1945. W. Daniel Pinkerton and Walter G. Pinkerton, petitioners, *v.* United States;
- No. 732, October Term, 1945. Roy Alton Helwig, petitioner, *v.* United States;
- No. 744, October Term, 1945. Victor J. Evans, petitioner, *v.* United States;
- No. 754, October Term, 1945. W. P. Sewell and R. B. Sewell, petitioners, *v.* Commissioner of Internal Revenue;
- No. 790, October Term, 1945. Aetna Insurance Company, appellant, *v.* Charles F. Hobbs, as Commissioner of Insurance of the State of Kansas;
- No. 791, October Term, 1945. American Indemnity Company, appellant, *v.* Charles F. Hobbs, as Commissioner of Insurance of the State of Kansas;
- No. 843, October Term, 1945. Securities and Exchange Commission, petitioner, *v.* W. J. Howey Company and Howey-in-the-Hills Service, Inc.;
- No. 987, October Term, 1945. John L. Wilson, petitioner, *v.* United States;
- No. 1055, October Term, 1945. S. P. Beecher, petitioner, *v.* Federal Land Bank of Spokane et al.;
- No. 1068, October Term, 1945. Meyer Eastman, alias "Meyer Esstman and Dave Marglous," petitioner, *v.* United States;
- No. 1071, October Term, 1945. L. E. Carpenter and Margaret Carpenter, petitioners, *v.* Title Insurance and Trust Company;
- No. 1102, October Term, 1945. Robert Gould and Dowling Bros. Distilling Company, petitioners, *v.* United States;
- No. 1108, October Term, 1945. Lola Brooks, Administratrix of the Estate of F. S. Brooks, Deceased, petitioner, *v.* St. Louis-San Francisco Railway Company, Debtor, et al.;
- No. 1109, October Term, 1945. John E. Dikis, as Administrator of the Estate of Robert E. Lee, Deceased, et al., petitioners, *v.* St. Louis-San Francisco Railway Company, Debtor, et al.; and
- No. 1110, October Term, 1945. St. Louis-San Francisco Railway Company, Debtor, petitioner, *v.* The Chase National Bank of the City of New York and John A. Aid, Trustee, et al.;
- No. 1135, October Term, 1945. David Rubin, petitioner, *v.* The State of New York;

No. 1162, October Term, 1945. J. Vincent Murphy, petitioner, *v.* Mary Murphy, Also Known as Mary Nicklas;

No. 1172, October Term, 1945. Guiseppe Bozzo Fu Lorenzo, as Owner of the Steam Vessel "Antoinetta," Her Engines, Boilers, etc., petitioner, *v.* United States et al.;

No. 1173, October Term, 1945. A. T. Rosasco, as Owner of the Steam Vessel "Santa Rosa," Her Engines, Boilers, etc., petitioner, *v.* United States et al.;

No. 1174, October Term, 1945. Mariano Maresca and Company, as Owner of the Steam Vessel "Mar Glauco," Her Engines, Boilers, etc., petitioner, *v.* United States et al.; and

No. 1175, October Term, 1945. "Italia"—Societa Anonima Di Navigazione, as Owner of the Steam Vessel "Belvedere," Her Engines, Boilers, etc., petitioner, *v.* United States et al.;

No. 1176, October Term, 1945. Societa Anonima Cooperative Di Navigazione Garibaldi, as Bailee of the Italian Vessel "Brennero," Her Engines, Boilers, etc., petitioner, *v.* United States et al.;

No. 1177, October Term, 1945. "Italia"—Societa Anonima Di Navigazione, as Owner of the Italian Vessel "Alberta," Her Engines, Boilers, etc., petitioner, *v.* United States et al.;

No. 1178, October Term, 1945. "Italia"—Societa Anonima Di Navigazione, as Owner of the Italian Vessel "Aussa," Her Engines, Boilers, etc., petitioner, *v.* United States et al.; and

No. 1179, October Term, 1945. "Italia"—Societa Anonima Di Navigazione, as Owner of the Italian Vessel "Arsa," Her Engines, Boilers, etc., petitioner, *v.* United States et al.;

No. 1223, October Term, 1945. Homer L. Loomis, petitioner, *v.* United States and Leo J. Crowley, Alien Property Custodian of the United States;

No. 1180, October Term, 1945. The E. C. Schroeder Company, Incorporated, petitioner, *v.* M. L. Clifton, For Himself and as Agent for E. M. Avery, et al.;

No. 1201, October Term, 1945. United States ex rel. Constantinos Karpathiou, petitioner, *v.* Andrew Jordon, District Director of Immigration and Naturalization, Chicago District;

No. 1220, October Term, 1945. Randolph Phillips, et al., petitioners, *v.* The Baltimore and Ohio Railroad Company;

No. 1230, October Term 1945. S. P. Beecher, petitioner, *v.* Federal Land Bank of Spokane et al.;

No. 1233, October Term, 1945. The E. L. Essley Machinery Company, petitioner, *v.* The Delta Manufacturing Company;

No. 1241, October Term, 1945. The Kar Engineering Company, Inc., petitioner, *v.* Brown & Sharpe Manufacturing Company and James Neill & Co. (Sheffield), Limited;

No. 1242, October Term, 1945. Joseph D. Medley, petitioner, *v.* United States;

No. 1255, October Term, 1945. West Publishing Company, appellant, *v.* Chas. J. McColgan, Franchise Tax Commissioner of the State of California;

No. 1265, October Term, 1945. E. J. Roberts, petitioner, *v.* G. P. Bowman, Superintendent, Virginia State Penitentiary Lime Plant, Staunton, Virginia; and

No. 1266, October Term, 1945. George Small, petitioner, *v.* Blakely R. Webster, Superintendent, Dannemora State Hospital, Dannemora, New York. The petitions for rehearing in these cases are denied. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 342, October Term, 1945. Steve Anderson, Earl Trombley, Lillian Socia, et al., petitioners, *v.* Mt. Clemens Pottery Company. The motions of New England Shipbuilding Corp. and Employers' Association of Detroit and Michigan Manufacturers' Association for leave to file briefs as *amicus curiae* are granted. The petition for rehearing is denied. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 880, October Term, 1945. Harry J. Alker, Jr., and Mamie Du Ban, Individually and as Executrix of the Estate of Alfred A. Du Ban, Deceased, petitioners, *v.* Federal Deposit Insurance Corporation. The motion for leave to file a fourth petition for rehearing is denied. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 893, October Term, 1945. O. A. Shaver, petitioner, *v.* Fidelity Bankers Trust Company, Successors Trustee Under the Last Will of Daniel Briscoe, Deceased. The motion for leave to file a second petition for rehearing is granted. The petition for rehearing is denied. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 48, October Term, 1945. Universal Oil Products Company, petitioner, *v.* Root Refining Company. Petition for rehearing denied. The Chief Justice, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this application.

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No. 511. The Cincinnati, Newport and Covington Railway Company, a Kentucky Corporation, petitioner, *v.* Ben J. Brumleve, Director, Division of Motor Transportation of the Commonwealth of Kentucky. On petition for writ of certiorari to the Court of Appeals of Kentucky. Dismissed on motion of counsel for the petitioner.

No. 3. Almira G. Freeman, as Successor, Trustee Under the Will and of the Estate of Henry C. Starr, Deceased, appellant, *v.* Gilbert K. Hewitt, Director of Gross Income Tax Division, Department of Treasury, State of Indiana. Reargued by Mr. Harry T. Ice for the appellant and by Mr. John J. McShane for the appellee.

No. 4. American Power & Light Company, petitioner, *v.* Securities and Exchange Commission; and

No. 5. Electric Power & Light Corporation, petitioner, *v.* Securities and Exchange Commission. One and three quarters hours allowed each side for reargument. Reargument commenced by Mr. Arthur A. Ballantine for the petitioner in No. 4, and continued by Mr. Daniel James for the petitioner in No. 5, and by Mr. Roger S. Foster for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 15, will be as follows: Nos. 4 (and 5), 37, 6 (7, 8, 9, and 10), 38 (and 39), 12 (13, 14, 15, 16, 17, 18, and 19), 20, 84, 40, 21, and 22.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Henry S. Hooker, of New York, N. Y.; Robert S. Rubin, of New York, N. Y.; E. S. Champlin, of Enid, Okla.; John W. Rae, of Ann Arbor, Mich.; H. Clarke Gaines, of Washington, D. C.; William H. Best, Jr., of Goldsboro, N. C.; Richard H. Plock, of Burlington, Iowa; Edward T. Johnson, of Lewiston, Idaho; Charles J. Ribar, of Seattle, Wash.; and Burr Shearer Stottle, of Kansas City, Mo., were admitted to practice.

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No. 4. American Power & Light Company, petitioner, *v.* Securities and Exchange Commission; and

No. 5. Electric Power & Light Corporation, petitioner, *v.* Securities and Exchange Commission. Reargument continued by Mr. Roger S. Foster for the respondent, by Mr. Arthur A. Ballantine for the petitioner in No. 4, and concluded by Mr. Daniel James for the petitioner in No. 5.

No. 37. Edna W. Ballard and Donald Ballard, petitioners, *v.* The United States of America. Argued by Mr. Roland Rich Woolley and Mr. Ralph C. Curren for the petitioners, and by Miss Beatrice Rosenberg for the respondent.

No. 6. United Brotherhood of Carpenters and Joiners of America, petitioner, *v.* The United States of America;

No. 7. The Bay Counties District Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America et al., petitioners, *v.* The United States of America;

No. 8. Lumber Products Association, Inc., Acme Manufacturing Co., Inc., et al., petitioners, *v.* The United States of America;

No. 9. Alameda County Building and Construction Trades Council, petitioner, *v.* The United States of America; and

No. 10. Boorman Lumber Company, Hogan Lumber Company, Loop Lumber & Mill Company, et al., petitioners, *v.* The United States of America. Reargument commenced by Mr. Charles H. Tuttle for the petitioners, United Brotherhood of Carpenters, etc., in Nos. 6 and 7, and continued by Mr. Holmes Baldrige for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 16, will be as follows: Nos. 6 (7, 8, 9, and 10), 38 (and 39), 12 (13, 14, 15, 16, 17, 18, and 19), 20, 84, 40, 21, 22, 41, and 42 (43, 44, and 45).

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Robert Doscher, of Suffern, N. Y.; Louis F. Dahling, of Detroit, Mich.; William F. Sonnekalb, Jr., of New York, N. Y.; Edward Spencer Miller, of Portland, Maine; James W. Bounds, of Oklahoma City, Okla.; Orville S. Carpenter, of Austin, Tex.; George W. Ledbetter, of Ennis, Tex.; and Howard F. Butler, of Nashville, Tenn., were admitted to practice.

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No. 6. United Brotherhood of Carpenters and Joiners of America, petitioner, *v.* The United States of America;

No. 7. The Bay Counties District Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America et al., petitioners, *v.* The United States of America;

No. 8. Lumber Products Association, Inc., Acme Manufacturing Co., Inc., et al., petitioners, *v.* The United States of America;

No. 9. Alameda County Building and Construction Trades Council, petitioner, *v.* The United States of America; and

No. 10. Boorman Lumber Company, Hogan Lumber Company, Loop Lumber & Mill Company, et al., petitioners, *v.* The United States of America. Reargument continued by Mr. Holmes Baldrige for the respondent and concluded by Mr. Charles H. Tuttle for the petitioners in Nos. 6 and 7. Cases submitted by Mr. Joseph O. Carson II, Mr. Harry N. Routzohn, Mr. Hugh K. McKevith, and Mr. Jack M. Howard for petitioner, Bay County District Council of Carpenters in No. 7; by Mr. Maurice E. Harrison for petitioner in No. 8; by Mr. Guy C. Calden and Mr. Clarence E. Todd for petitioner in No. 9; and by Mr. Morgan J. Doyle for the petitioners in No. 10.

No. 38. National Labor Relations Board, petitioner, *v.* Donnelly Garment Company, Donnelly Garment Workers' Union, et al.; and

No. 39. International Ladies' Garment Workers' Union, petitioner, *v.* Donnelly Garment Company, Donnelly Garment Workers' Union, and National Labor Relations Board. One and one-half hours allowed each side for argument. Argued by Miss Ruth Weyand for

the National Labor Relations Board, by Mr. Clif Langsdale for the petitioner in No. 39, by Mr. Robert J. Ingraham for Donnelly Garment Company, and by Mr. Frank E. Tyler for Donnelly Garment Workers' Union. Leave granted the National Labor Relations Board to file reply brief within one week.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 17, will be as follows: Nos. 12 (13, 14, 15, 16, 17, 18, and 19), 20, 84, 40, 21, 22, 41, 42 (43, 44, and 45), 23, and 86.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Robert Solomon Horne, of Cochran, Ga.; Joseph Aloysius McMenamin, of Washington, D. C.; Emory T. Nunneley, Jr., of Alexandria, Va.; George Rex Frye, of Washington, D. C.; and Philip Elman, of New York, N. Y., were admitted to practice.

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No. 12. Heber Kimball Cleveland, petitioner, *v.* The United States of America;

No. 13. Heber Kimball Cleveland, petitioner, *v.* The United States of America;

No. 14. Heber Kimball Cleveland, petitioner, *v.* The United States of America;

No. 15. David Brigham Darger, petitioner, *v.* The United States of America;

No. 16. Vergel Y. Jessop, petitioner, *v.* The United States of America;

No. 17. Theral Ray Dockstader, petitioner, *v.* The United States of America;

No. 18. L. R. Stubbs, petitioner, *v.* The United States of America; and

No. 19. Follis Gardner Petty, petitioner, *v.* The United States of America. Reargued by Mr. Claude T. Barnes for the petitioners and by Mr. Robert M. Hitchcock for the respondent.

No. 20. United Federal Workers of America (C. I. O.) et al., appellants, *v.* Harry B. Mitchell, Lucille Foster McMillin, and Arthur S. Fleming. Reargued by Mr. Lee Pressman for the appellants and by Mr. Ralph F. Fuchs for the appellees.

No. 84. State of Oklahoma, petitioner, *v.* United States Civil Service Commission. Argument commenced by Mr. Mac Q. Williamson for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 18, will be as follows: Nos. 84, 40, 21, 22, 41, 42 (43, 44, and 45), 23, 86, 24, and 46.

## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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John T. Noonan, of Boston, Mass.; Donald N. Clausen, of Chicago, Ill.; Maurice E. Kaplan, of Lynn, Mass.; John Weston Miller, of Springfield, Mo.; William Eugene Allen, of Washington, D. C.; Hal E. Morris, of Cheyenne, Wyo.; and Edward D. Bolton, of New York, N. Y., were admitted to practice.

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No. 20. United Federal Workers of America (C. I. O.), et al., appellants *v.* Harry B. Mitchell, Lucille Foster McMillin, and Arthur S. Fleming. United Public Workers of America (C. I. O.) substituted as a party appellant herein in the place and stead of United Federal Workers of America (C. I. O.), and Frances Perkins substituted as a party appellee herein in the place and stead of Lucille Foster McMillin on motion of Mr. Milton V. Freeman for the appellants.

No. 84. State of Oklahoma, petitioner, *v.* United States Civil Service Commission. Argument continued by Mr. Mac Q. Williamson for the petitioner, by Mr. Ralph F. Fuchs for the respondent, and concluded by Mr. James W. Bounds for the petitioner.

No. 40. The United States of America, petitioner, *v.* Iska W. Carmack. Argued by Mr. John J. Cooney for the petitioner and by Mr. I. R. Kelso for the respondent.

No. 21. Champlin Refining Company, appellant, *v.* The United States of America and Interstate Commerce Commission. Argument commenced by Mr. Harry O. Glasser for the appellant.

Adjourned until Monday, October 21, next, at 12 o'clock.

The day call for Monday, October 21, will be as follows: Nos. 21, 22, 41, 42 (43, 44, and 45), 23, 86, 24, 46, 11, and 26.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Bernard H. Barnett, of Louisville, Ky.; John D. Reed, of Austin, Tex.; Daniel Duke, of Atlanta, Ga.; Victor Davidson, of Irwinton, Ga.; Cleburne Earl Gregory, Jr., of Atlanta, Ga.; Rudolf B. Schlesinger, of Larchmont, N. Y.; Deane Ramey, of New York, N. Y.; Otis E. Nelson, of Wichita Falls, Tex.; Jerome G. McKean, of Houston, Tex.; Emory L. Groff, of Washington, D. C.; Ernest D. Gerye, of Omaha, Nebr.; Jay Raymond Levinson, of New York, N. Y.; and Benjamin C. Sigal, of Pittsburgh, Pa., were admitted to practice.

The Chief Justice said:

"Mr. Justice Murphy is unavoidably absent on account of the death of his brother, Harold Murphy. The Court extends its deepest sympathy to Brother Murphy and the family in their hour of bereavement."

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The following orders were not announced orally but appear on the list certified by the Chief Justice and filed with the Clerk:

No. —. N. Tully Semel et al., petitioners, *v.* United States. The motion for a stay is denied.

No. 36, Misc. Ex parte Jackson Henry Goins, petitioner;

No. 39, Misc. Ex parte Tom Stephenson, petitioner;

No. 40, Misc. Ex parte William Ford McCrackin, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 35, Misc. John C. Burt, petitioner, *v.* Honorable Edward A. Conger, District Judge; and

No. 38, Misc. Ex parte William G. Hayes, petitioner. The motions for leave to file petitions for writs of mandamus are denied.

No. 82, Misc., October Term 1945. Walter N. Smith, petitioner, *v.* Honorable Joseph F. Maguire, Justice of the Domestic Relations Court of the City of New York, et al.;

No. 83, Misc., October Term 1945. John Harding, petitioner, *v.* Honorable F. H. LaGuardia, Mayor of the City of New York, et al.;

No. 33, Misc. Albert Stephens, Administrator, petitioner, *v.* United States;

No. 34, Misc. Oneal Massey, petitioner, *v.* State of Texas;

No. 37, Misc. Ex parte Daisy D. Wilson, petitioner; and  
No. 43, Misc. Ex parte Joseph Poresky, petitioner. The applications are denied.

No. 461. William Greenough and George Henry Warren, Jr., Trustees, appellants, *v* Tax Assessors of the City of Newport and Edward L. Leahy, Tax Administrator of the State of Rhode Island;

No. 464. The United States of America, appellant, *v*. Line Material Company, General Electric Company, James R. Kearney Corporation et al.; and

No. 467. Ayrshire Collieries Corporation et al., and Chicago, Milwaukee, St. Paul and Pacific Railroad Company, appellants, *v*. United States, Interstate Commerce Commission et al. In these cases probable jurisdiction is noted.

No. 470. Daniel F. Rice, Joseph J. Rice, et al., petitioners, *v*. Great Lakes Elevator Corporation et al.;

No. 471. Daniel F. Rice, Joseph J. Rice, et al., petitioners, *v*. Board of Trade of the City of Chicago, a Corporation;

No. 472. Illinois Commerce Commission et al., petitioners, *v*. Great Lakes Elevator Corporation et al.; and

No. 473. Illinois Commerce Commission et al., petitioners, *v*. Board of Trade of the City of Chicago, a Corporation. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 312. The United States of America, petitioner, *v*. Albert Silk, Doing Business as Albert Silk Coal Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted and case transferred to the summary docket.

No. 457. C. J. Adams, alias Charlie Adams, petitioner, *v*. The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and case transferred to the summary docket.

No. 140. Rene De Meerleer, petitioner, *v*. The People of the State of Michigan. The motions for leave to file a substituted petition and to dispense with the printing of the record on the application for the writ are granted. The petition for writ of certiorari to the Supreme Court of Michigan is also granted.

No. 311. S. J. Groves & Sons Company, petitioner, *v*. The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 368. The Sioux Tribe of Indians, petitioner, *v*. United States. Petition for writ of certiorari to the Court of Claims denied.

No. 439. Wootten Hotel Corporation, petitioner, *v.* Northern Assurance Co., Ltd. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 449. The Order of Railroad Telegraphers, an Unincorporated Association, et al., petitioners, *v.* New Orleans, Texas & Mexico Railway Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 450. May Hosiery Mills, petitioner, *v.* Hold Stitch Fabric Machine Company. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 451. Arthur L. Bell, petitioner, *v.* The Superior Court, Los Angeles County, State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 455. Fred J. Martin, Trustee, petitioner, *v.* Eugene Campanaro, Edward Grimm et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 456. Alfred Hans Weiss, petitioner, *v.* John W. Hood, Warden. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 458. Todd Shipyards Corporation, petitioner, *v.* Harvey DeGraw. Petition for writ of certiorari to the Court of Errors and Appeals, State of New Jersey, denied.

No. 462. Berryman Henwood, Trustee of the St. Louis Southwestern Railway Company, a Corporation, petitioner, *v.* O. R. Chaney. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 468. German-American Vocational League, Inc., D. A. B. Recreational Resort, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 469. The Equitable Life Assurance Society of the United States, a Corporation, petitioner, *v.* Mercantile-Commerce Bank and Trust Company, a Corporation, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 474. Burt Cain, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 475. Fred Martin, petitioner, *v.* The State of Georgia. Petition for writ of certiorari to the Court of Appeals of Georgia denied.

No. 482. Waterman Steamship Corporation, petitioner, *v.* U. S. Smelting, Refining & Mining Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 275. Panhandle Eastern Pipe Line Company, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to

the Circuit Court of Appeals for the Eighth Circuit denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 438. Harris-Stanley Coal & Land Company et al., petitioners, *v.* The Chesapeake & Ohio Railway Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 505. Wilson De La Roi, petitioner, *v.* The People of the State of California. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of California is denied. Mr. Justice Murphy is of the opinion that the petition should be granted.

No. 427. Walter A. Lavender, Administrator De Bonis Non of the Estate of L. E. Haney, Deceased, petitioner, *v.* J. M. Kurn et al., Trustees of the St. Louis-San Francisco Railway Company, Debtor, and Illinois Central Railroad Company. Petition for writ of certiorari to the Supreme Court of Missouri denied for want of a final judgment. Mr. Justice Black and Mr. Justice Murphy are of the opinion that the petition should be granted.

No. 20, Misc. Walter A. Lavender, Administrator, etc., *v.* Honorable Albert M. Clark, Chief Justice of the Supreme Court of Missouri, et al. The motion for leave to file petition for writ of mandamus is denied. Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Rutledge are of the opinion that leave to file should be granted and that a rule to show cause should issue.

No. 2, October Term 1941. Martin J. Bernards and Lena Bernards, petitioners, *v.* M. R. Johnson, Catherine Collins, The United States National Bank of Portland et al. The motion to recall the mandate is denied. The Chief Justice took no part in the consideration or decision of this application.

No. 109, Misc., October Term 1945. In the Matter of O'Neal Massey, petitioner; and

No. 1221, October Term 1945. Jane Crozier, Roberta Giesecke, and Harriet M. Ackert, petitioners, *v.* The Baltimore and Ohio Railroad Company. The motions for leave to file petitions for rehearing are denied. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 269, October Term 1945. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* Home Owners' Loan Corporation et al.; and

No. 952, October Term 1945. Bertha Florence Sabin and M. R. Sabin, petitioners, *v.* Home Owners' Loan Corporation, a Corpora-

tion, George J. Overmyer and Brenda E. Overmyer. The motion for leave to file a second petition for rehearing is denied. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 404, October Term 1945. Jack Davis, petitioner, *v.* The United States of America; and

No. 489, October Term 1945. Edward F. Zap, petitioner, *v.* The United States of America. The petitions for rehearing are denied. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 625, October Term 1945. Cecil I. Hust, petitioner, *v.* Moore-McCormack Lines, Inc. It is ordered that the opinion of this Court in this case, filed June 10, 1946, be amended by deleting the first two sentences of the second paragraph on page 16 of the slip copy print and substituting in lieu therefor the following language: "Uncertain in scope as the effects of the *Brady* decision were regarded to be, they were clearly recognized as holding that the seaman had rights against private operators arising after the transfer of governmental control."<sup>377</sup>

The petition for rehearing is denied. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 132. The United States of America *ex rel.* Angelo Russo, petitioner, *v.* Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard Branch. The petition for rehearing is denied.

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The Court will take a recess from Monday, October 28th, until Tuesday, November 12th, next.

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No. 21. Champlin Refining Company, appellant, *v.* The United States of America and Interstate Commerce Commission. Reargument continued by Mr. Edward Dumbauld for the appellees and concluded by Mr. Dan Moody for the appellant.

No. 22. Max Levinson, petitioner, *v.* Spector Motor Service, a Corporation. Reargument commenced by Mr. Harry L. Yale for the petitioner, continued by Mr. Jeeter S. Ray for the Administrator of the Wage and Hour Division, U. S. Department of Labor, *amicus curiae* by special leave of Court, by Mr. Roland Rice for the respondent, and by Mr. Daniel W. Knowlton for the Interstate Commerce Commission, *amicus curiae* by special leave of Court.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 22, will be as follows: Nos. 22, 41, 42 (43, 44, and 45), 23, 86, 24, 46, 11, 26, 29 (and 30).

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Robert E. Paradise, of Los Angeles, Calif.; George C. Perkins, of Oakland, Calif.; Victor H. Kendrick, of Los Angeles, Calif.; Max J. Gwertzman, of New York, N. Y.; Floyd Duke James, of San Antonio, Tex.; Herman Robert Friedberg, of New York, N. Y.; and Charles W. Bahme, of Los Angeles, Calif., were admitted to practice.

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No. 22. Max Levinson, petitioner, *v.* Spector Motor Service, a Corporation. Reargument continued by Mr. Daniel W. Knowlton for the Interstate Commerce Commission, *amicus curiae* by special leave of Court, and concluded by Mr. Harry L. Yale for the petitioner.

No. 41. Pyramid Motor Freight Corporation, petitioner, *v.* Murray Ispass, Max Granofsky, Harry Brownstein, et al. Argued by Mr. Charles E. Cotterill for the petitioner and by Mr. Deane Ramey for the respondent.

No. 42. Vanston Bondholders Protective Committee, petitioner, *v.* Louis A. Green, et al.;

No. 43. Vanston Bondholders Protective Committee, petitioner, *v.* Carl B. Early, et al.;

No. 44. Vanhorn Bondholders Protective Committee, petitioner, *v.* Louis A. Green, et al.; and

No. 45. Vanhorn Bondholders Protective Committee, petitioner, *v.* Carl B. Early et al. Argument commenced by Mr. George W. Jaques for the petitioner in Nos. 42 and 43; continued by Mr. Robert J. Bulkley for the petitioner in Nos. 44 and 45; by Mr. Roger S. Foster for the Securities and Exchange Commission, *amicus curiae* by special leave of Court; by Mr. Chas. I. Dawson for the respondents, Carl B. Early et al.; by Mr. Jay Raymond Levinson for the respondents, Green Committee et al.; and by Mr. Robert J. Bulkley for the petitioner in Nos. 44 and 45.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 23, will be as follows: Nos. 42 (43, 44, and 45), 23, 86, 24, 46, 11, 26, 29 (and 30), 47, and 50.

SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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James Manderson Castle, Jr., of Washington, D. C.; Lewis Hobson Wilson, of Tuscaloosa, Ala.; John G. Buchanan, Jr., of Pittsburgh, Pa.; Alexander Halpern, of New York, N. Y.; Leon B. Paullada, of Los Angeles, Calif.; Stanley B. Frosh, of Chicago, Ill.; Leon John Albert Kupeck, of Chicago, Ill.; Charles Hunsicker, Jr., of Philadelphia, Pa.; and Norman A. Stoll, of Milwaukee, Wis., were admitted to practice.

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No. 23. Taze Hamrick Gibson, petitioner, *v.* The United States of America; and

No. 86. George William Dodez, petitioner, *v.* The United States of America. No. 23 reargued and No. 86 argued by Mr. Hayden C. Covington for the petitioners and by Mr. Irving S. Shapiro for the respondent.

No. 24. Halliburton Oil Well Cementing Company, petitioner, *v.* Cranford P. Walker, et al., Doing Business as Depthograph Company, a Corporation. Reargument commenced by Mr. Earl Babcock for the petitioner and continued by Mr. Harold W. Mattingly for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 24, will be as follows: Nos. 24, 46, 11, 26, 29 (and 30), 47, and 50.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Dick L. Connally, of Brownwood, Tex.; Rosalind Goodrich Bates, of Los Angeles, Calif.; Reva Beck Bosone, of Salt Lake City, Utah; Edward J. Flavin, of Boston, Mass.; Mildred Gilmore, of Los Angeles, Calif.; Samuel Karp, of New York, N. Y.; Borden C. Jones, of Chattanooga, Tenn.; Genevieve T. McLaughlin, of Washington, D. C.; David J. Cohen, of Boston, Mass.; J. Carter Fort, Jr., of Washington, D. C.; Gerald D. Finney, of Washington, D. C.; Alice M. Birdsall, of Phoenix, Ariz.; Joel G. Stanford, of Westfield, N. J.; John B. Hosty, of Chicago, Ill.; George Francis Meyer, Jr., of Oakland, Calif.; and Richard S. Oldberg, of Chicago, Ill., were admitted to practice.

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No. 505. Wilson De La Roi, petitioner, *v.* The People of the State of California. Motion for stay of execution and petition for rehearing denied. Mr. Justice Murphy took no part in the consideration or decision of these applications.

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No. 24. Halliburton Oil Well Cementing Company, petitioner, *v.* Cranford P. Walker et al., Doing Business as Depthograph Company, a Corporation. Reargument continued by Mr. Harold W. Mattingly for the respondents and concluded by Mr. Earl Babcock for the petitioner.

No. 46. Richfield Oil Corporation, appellant, *v.* State Board of Equalization. Argued by Mr. Norman S. Sterry for the appellant and by Mr. John L. Nourse for the appellee.

No. 11. Alma Motor Company, petitioner, *v.* The Timken-Detroit Axle Company and The United States of America. Reargument commenced by Mr. Thomas J. Hughes for the petitioner and continued by Mr. Assistant Attorney General Sonnett for the respondent, The United States.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 25, will be as follows: Nos. 11, 26, and 50.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Connie V. Southern, of Washington, D. C.; Francis M. Sassé, of Phoenix, Ariz.; Irene L. Dulin, of Saint Louis, Mo.; Walter E. Craig, of Phoenix, Ariz.; Milton T. Quinton, Jr., of Lexington, Ky.; Arthur Mills Scheid, of Washington, D. C.; Gerald J. Dunworth, of New York, N. Y.; Howard Cockrill, of Little Rock, Ark.; Walter B. Keaton, of Rushville, Ind.; Franklin W. Clarke, of Madison, Wis.; John C. Stickney, of Sausalito, Calif.; Robt. M. Fisher, of Indiana, Pa.; Virginia M. Wallgren, of Washington, D. C.; Sidney Freidberg, of New York, N. Y.; Hylan Cooper, of Washington, D. C.; Wm. Huck, Jr., of Bloomfield, N. J.; Thomas J. Markey, of Bloomfield, N. J.; and Edward L. Wright, of Little Rock, Ark., were admitted to practice.

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No. 11. *Alma Motor Company, petitioner, v. The Timken-Detroit Axle Company and The United States of America.* Reargument continued by Mr. Assistant Attorney General Sonnett for the respondent, The United States, by Mr. William A. Strauch for the respondent, Timken-Detroit Axle Company, and concluded by Mr. John G. Buchanan for the petitioner.

No. 26. *The United States, petitioner, v. Alcea Band of Tillamooks et al.* Reargued by Mr. Walter J. Cummings, Jr., for the petitioner and by Mr. Everett Sanders for the respondents.

No. 50. *The United States, petitioner, v. The Howard P. Foley Company, Inc.* Argued by Mr. A. Devitt Vanech for the petitioner and by Mr. Alexander Heron for the respondent.

Adjourned until Monday, October 28, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Russell E. Hatter, of Marengo, Iowa; Robert J. Davis, of Fort Lauderdale, Fla.; John C. Bane, Jr., of Pittsburgh, Pa.; Jule Brown Patterson, of Fort Lauderdale, Fla.; Joseph Anthony Fitzsimmons, of Fort Lauderdale, Fla.; Cecil N. Cook, of Houston, Tex.; Walter L. Nossaman, of Los Angeles, Calif.; Frank E. O'Reilly, of Chicago, Ill.; Albert E. Knauf, of Waukegan, Ill.; William Harrison Storey, of Houston, Tex.; Paul C. Hodge, of Chicago, Ill.; Edward B. Hanley, Jr., of Seattle, Wash.; Colman Brez Stein, of Washington, D. C.; Thos. M. Lockhart, of Fort Lauderdale, Fla.; Walter H. Duane, of San Francisco, Calif.; and Carleton U. Edwards II, of Washington, D. C., were admitted to practice.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 531. Earl P. Cook, appellant, *v.* Ben W. Fortson, Jr., as Secretary of State of Georgia, et al.; and

No. 532. Mrs. Robert Lee Turman and Cullen B. Gosnell, appellants, *v.* J. Lon Duckworth, as Chairman of the Georgia State Democratic Executive Committee, et al. Appeals from the District Court of the United States for the Northern District of Georgia. *Per curiam*: The appeals are dismissed and the District Court is directed to dismiss the bill in each case. See *United States v. Anchor Coal Company*, 279 U. S. 812. Mr. Justice Black and Mr. Justice Murphy are of the opinion that probable jurisdiction should be noted. Mr. Justice Rutledge is of the opinion that the question of jurisdiction should be postponed to the hearing of the cases on the merits and has set forth his views in an opinion which he has filed.

No. 45, Misc. Richard O. Read, petitioner, *v.* Carle C. Zimmerman; and

No. 46, Misc. Ex parte William M. Lee, petitioner. Applications denied. Mr. Justice Murphy took no part in the consideration or decision of these applications.

No. 47, Misc. Ex parte William James Evans, Jr., petitioner. The motion for leave to file petition for writ of habeas corpus is denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 343. State of New York, State of Delaware, State of Indiana, et al., appellants, v. United States, Interstate Commerce Commission, State of Alabama, et al.;

No. 344. State of Maine, State of New Hampshire, State of Vermont, et al., appellants, v. United States, Interstate Commerce Commission, et al.; and

No. 345. The Atchison, Topeka and Santa Fe Railway Company et al., appellants, v. United States, Interstate Commerce Commission, State of Alabama, et al. These cases are reassigned for argument on Monday, February 10, next.

No. 80. Jack Parker, Isidor M. Saks, Melvin Caplan, et al., petitioners, v. Paul A Porter, Price Administrator. The motion of counsel for Landlords, *amici curiae*, for leave to participate in the oral argument is denied.

No. 432. Aetna Casualty & Surety Company and J. A. Jones Construction Company, petitioners, v. Mrs. Fannie M. Flowers. The motion of the respondent for leave to proceed *in forma pauperis* is granted.

No. 176. Bernard M. Shotkin, petitioner, v. Judges, Superior Court, Atlanta Circuit. The application for an extension of time within which to file petition for rehearing is denied.

No. 342. Daniel Birmeli Dingman, petitioner, v. United States. The motion for an extension of time of 30 days within which to file petition for rehearing is granted.

No. 574. The Rescue Army, a Corporation, and Charles T. Murdock, appellants, v. The Municipal Court of the City of Los Angeles. In this case probable jurisdiction is noted and the case is assigned for argument immediately following No. 103.

No. 585. The United States, appellant, v. Lem Hoy, alias Lim Hoy. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 417. United States Department of Agriculture, Emergency Crop and Feed Loans, petitioner v. George G. Remund, as Administrator of the Estate of Wilhelm Buttke, Deceased. Petition for writ of certiorari to the Supreme Court of South Dakota granted.

No. 431. Alfred Testa and Paul A. Porter, Administrator, Office of Price Administration, petitioners, v. Harry Katt. Petition for writ of certiorari to the Supreme Court for Providence and Bristol Counties, State of Rhode Island, granted.

No. 498. The United States of America, petitioner, *v.* Honorable William F. Smith, a District Judge Especially Designated and Assigned to Hold the District Court of the United States for the Middle District of Pennsylvania, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 543. Federal Power Commission et al., petitioners, *v.* Arkansas Power & Light Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted and case transferred to the summary docket.

No. 164. Tomlinson I. Moseley, Ralph M. Keele and Keelmo Co., petitioners, *v.* United States Appliance Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 463. The Baltimore and Ohio Railroad Company, a Corporation, et al., petitioners, *v.* Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, Debtor, et al.; and

No. 552. Guy A. Thompson, Trustee of Missouri Pacific Railroad Company, Debtor, et al., petitioners, *v.* The Baltimore and Ohio Railroad Company, a Corporation, et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 484. Millard C. Baker, Isadore Walter Kahn, Benjamin L. Levy, et al., petitioners, *v.* United States;

No. 485. Nathan Silverman, petitioner, *v.* United States; and

No. 486. Rubein V. Johnson, petitioner, *v.* United States. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 489. Joseph A. Gordon, petitioner, *v.* Paul A. Porter, Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 490. American Lecithin Company, Inc., petitioner, *v.* Paul V. McNutt, as Federal Security Administrator of the United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 491. Boston & Maine Railroad, petitioner, *v.* Elizabeth B. Meech, Administratrix. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 493. The Denver and Rio Grande Western Railroad Company, a Corporation, et al., petitioners, *v.* Provo City, a Municipal Corporation, et al.; and

No. 494. The Denver and Rio Grande Western Railroad Company, a Corporation, et al., petitioners, *v.* Provo City, a Municipal Corporation, et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 497. 149 Madison Avenue Corp. and Williams & Co., Inc., petitioners, *v.* Frank Asselta, Camilo Del Rio, Joseph McArdle, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 501. The Okonite Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 515. Wheeling Stamping Company and Burrason Corporation, petitioners, *v.* Standard Cap and Molding Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 516. John Rosselli, petitioner, *v.* Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 522. Max Silverman, petitioner, *v.* Osborne Register Co. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 492. Sina Frazier, Now Postoak, Willie Watson, Richard Watson, et al., petitioners, *v.* C. B. Goddard, E. L. Franklin, A. J. Erlewine, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 523. Estate of Harold I. Pratt, Deceased, United States Trust Company, et al., Executors, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 448. The Cleveland Hotel Protective Committee et al., petitioners, *v.* National City Bank of Cleveland, Successor Trustee and the Cleveland Terminals Building Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Murphy and Mr. Justice Burton took no part in the consideration or decision of this application.

No. 356. Richard W. Deaver, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 503. Albert Tinnin, petitioner, *v.* Clinton T. Duffy, Warden, etc. On petition for writ of certiorari to the Supreme Court of California;

No. 513. Benjamin Nightingale, petitioner, *v.* F. S. Baldi, Superintendent, Philadelphia County Prison, etc. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

- No. 554. William Kemmerer, petitioner, *v.* The State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan;
- No. 518. James Bolden, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;
- No. 520. George Zimer, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Peoria County, State of Illinois;
- No. 521. Edmond Arthur Rohde, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;
- No. 529. Robert D. Scott, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;
- No. 530. Kenneth Ingersoll, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Effingham County, State of Illinois;
- No. 533. Hubbert Waggoner, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;
- No. 545. Charles Wilson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;
- No. 546. John Gawron, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;
- No. 547. Lew Palmer, Jr., petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;
- No. 549. Mike Parker, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;
- No. 550. Henry Robinson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;
- No. 568. Richard Garner, petitioner, *v.* Joseph E. Ragen, Warden, etc.;
- No. 569. Robert Coleman, petitioner, *v.* Joseph E. Ragen, Warden, etc.;
- No. 577. Charles Cassidy, petitioner, *v.* People of the State of Illinois;
- No. 578. Elvis T. Watson, petitioner, *v.* People of the State of Illinois;

No. 579. Roy Judd, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois;

No. 580. William Booker, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court, Circuit Court of Will County, and Criminal Court of Cook County, State of Illinois;

No. 581. Francis Haines, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 598. Beckham Thompson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 599. Daniel Matthews, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 600. Walter Fowler, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois;

No. 601. Clifton Mills, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 602. Earl Davis, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 614. Robert Harris, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 616. James Holmes, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Winnebago County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied. Mr. Justice Murphy took no part in the consideration or decision of these applications.

No. 636. Mose Johnson, petitioner, *v.* The State of Oklahoma. The motion for leave to proceed *in forma pauperis* is granted. The motion for a stay is denied. The petition for writ of certiorari to the Criminal Court of Appeals, State of Oklahoma, is denied. Mr. Justice Murphy took no part in the consideration or decision of these applications.

No. 278, October Term 1945. Reconstruction Finance Corporation et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al.;

No. 279, October Term 1945. Reconstruction Finance Corporation et al., petitioners, *v.* The Denver and Salt Lake Western Railroad Company et al.;

No. 280, October Term 1945. Reconstruction Finance Corporation et al., petitioners, *v.* City Bank Farmers Trust Company, Trustee, et al.;

No. 281, October Term 1945. Reconstruction Finance Corporation et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al.;

No. 282, October Term 1945. Reconstruction Finance Corporation et al., petitioners, *v.* Guy A. Thompson, Trustee, et al.; and

No. 916, October Term 1945. Henry L. Saunders, petitioner, *v.* Ralph E. Wilkins. The petitions for rehearing are denied. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 804, October Term 1945. Kenneth W. Colegrove, Peter J. Chamales, and Kenneth C. Sears, appellants, *v.* Dwight H. Green, as a Member, Ex-Officio of the Primary Certifying Board of the State of Illinois, et al. Leave granted to file brief of the Civil Liberties Union as *amicus curiae*. The petition for rehearing is denied. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 308. John Stub, petitioner, *v.* The United States. The petition for rehearing is denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

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No. 278, October Term 1945. Reconstruction Finance Corporation et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al.;

No. 279, October Term 1945. Reconstruction Finance Corporation et al., petitioners, *v.* The Denver and Salt Lake Western Railroad Company et al.;

No. 280, October Term 1945. Reconstruction Finance Corporation et al., petitioners, *v.* City Bank Farmers Trust Company, Trustee, et al.;

No. 281, October Term 1945. Reconstruction Finance Corporation et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al.; and

No. 282, October Term 1945. Reconstruction Finance Corporation et al., petitioners, *v.* Guy A. Thompson, Trustee, et al. The Chief Justice announced that Mr. Justice Frankfurter has filed an opinion setting forth the detailed grounds for his dissent from the opinion and judgment of the Court entered June 10, 1946, in these cases.

No. 369. The Sioux Tribe of Indians, petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims. Dismissed on motion of counsel for the petitioner.

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Adjourned until Tuesday, November 12, next, at 12 o'clock.

The day call for Tuesday, November 12, will be as follows: Nos. 29 (and 30), 32, 53, 25, 47, 27, 28, 70 (and 71), 36, and 48.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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George David Thomson, of Flint, Mich.; Clarence J. Young, of Portland, Oreg.; Raymond L. Greist, of Chicago, Ill.; Meyer Kreeger, of New York, N. Y.; Leonard H. Marks, of Pittsburgh, Pa.; Frederick J. Lotterhos, of Jackson, Miss.; Boynton P. Livingston, of Washington, D. C.; and Donald Malcolm Macauley, of Springfield, Mass., were admitted to practice.

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The Chief Justice announced the following order of the Court:

No. 504. James Marr, Doing Business as Marr Duplicator Company, petitioner, *v.* A. B. Dick Company. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit. *Per curiam:* The petition for writ of certiorari is granted. The judgment of the Circuit Court of Appeals is vacated and the cause is remanded to that court for consideration of the question, raised by the Solicitor General in his memorandum as *amicus curiae*, "whether respondent's prosecution of the instant case may not constitute a fraud upon the courts."

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 42, Misc. Ex parte George James, petitioner. The motion for leave to file petition for writ of certiorari is denied.

No. 48, Misc. Ex parte Vol Nelson, petitioner; and

No. 56, Misc. Ex parte Dorsey McMahan, petitioner. The motions for leave to file petitions for writs of mandamus are denied.

No. 49, Misc. Ex parte Charles Kato, petitioner;

No. 52, Misc. Ex parte Alva Christian, petitioner;

No. 53, Misc. Ex parte Henry Allen, petitioner;

No. 54, Misc. Ex parte Randolph S. Rediker, petitioner; and

No. 55, Misc. Ex parte Louis Gross, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 51, Misc. Ex parte Enoch R. Whitefield, petitioner. The application is denied.

No. 57, Misc. Ex parte Edmond C. Fletcher, petitioner. The motion for leave to file petition for writ of mandamus is denied. The Chief Justice and Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 335. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* The Nashville, Chattanooga & St. Louis Railway; and

No. 336. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* Portland Terminal Company. The motion of Jacksonville Terminal Company for leave to present oral argument as *amicus curiae* is denied.

No. 470. Daniel F. Rice, Joseph J. Rice, et al., petitioners, *v.* Great Lakes Elevator Corporation et al.; and

No. 472. Illinois Commerce Commission et al., petitioners, *v.* Great Lakes Elevator Corporation et al. The application of the National Association of Railroad and Utilities Commissioners for leave to present oral argument as *amicus curiae* is denied.

No. 643. Ford Motor Company, appellant, *v.* The United States of America; and

No. 644. Commercial Investment Trust Corporation et al., appellants, *v.* The United States of America. In these cases probable jurisdiction is noted. Mr. Justice Jackson took no part in the consideration or decision of this question.

No. 442. The United States, petitioner, *v.* Ivan M. Elchibegoff. Petition for writ of certiorari to the Court of Claims granted.

No. 562. Rutherford Food Corporation and the George Kaiser Packing Company, petitioners, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 564. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* The General Industries Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted.

No. 625. Peter Caldarola, petitioner, *v.* Gerda Eckert and Thor Eckert, Jr., Partners Doing Business Under the Firm Name of Thor Eckert & Co. Petition for writ of certiorari to the Court of Appeals, State of New York, granted.

No. 483. Thomas A. Murray, petitioner, *v.* Paul A. Porter, Administrator, Office of Price Administration. On petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit;

No. 512. James G. Raley and Thomas E. Raley, Trading as Raley's Food Store, petitioners, *v.* Paul A. Porter, Administrator of the Office of Price Administration. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia; and

No. 583. Paul A. Porter, Administrator, Office of Price Administration, petitioner, *v.* Mohawk Wrecking and Lumber Company, a Partnership, and Harry Smith. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. The petitions for writs of certiorari in these cases are granted limited to the question whether the Emergency Price Control Act authorizes the Administrator to delegate to district directors authority to sign and issue subpoenas. The cases are transferred to the summary docket and assigned for argument consecutively.

No. 544. National Labor Relations Board, petitioner, *v.* Keystone Steel & Wire Company and Independent Steel Workers Alliance. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and case transferred to the summary docket.

No. 519. Mechanical Farm Equipment Distributors, Inc., petitioner, *v.* Paul A. Porter, Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 527. Lorraine Coffee Company, Inc., and Eric Eben, petitioners, *v.* La Touraine Coffee Co., Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 528. The Login Corporation, petitioner, *v.* Paul A. Porter, Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 536. Charles A. Koza, John A. Anderson and Invincible Tool Co., Inc., petitioners, *v.* Charles Drexler and Charles Drexler Co., Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 537. Eastern Sugar Associates, petitioner, *v.* The People of Puerto Rico. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 539. Mario Joseph Pacman, petitioner, *v.* Charles B. Mead, Superintendent of the Federal Prison Camp, Coronado National Forest, Pima County, Arizona. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 542. Marjorie Hair Burton, Individually and as Administratrix of the Estate of Frederic A. Burton, Deceased, petitioner, *v.* J.

Roy Browning, Trustee and Freeman Coal Mining Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 555. Elsie C. Emery, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 556. Cities Service Gas Company, petitioner, *v.* Federal Power Commission, Public Service Commission of the State of Missouri, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 559. The City of Huntington Beach, petitioner, *v.* E. C. Denio, G. A. Hart, G. P. Taubman, Jr., et al., etc. Petition for writ of certiorari to the District Court of Appeal, Fourth Appellate District, State of California, denied.

No. 560. Dixi-Cola Laboratories, Inc., et al., petitioners, *v.* The Coca-Cola Company; and

No. 561. The Coca-Cola Company, petitioner, *v.* Dixi-Cola Laboratories, Inc., et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 563. Fielding B. Barlow, petitioner, *v.* Federal Land Bank of Berkeley. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 565. Fairfield Steamship Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 567. Jo Van Der Loo, petitioner, *v.* Paul A. Porter, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 570. John Hancock Mutual Life Insurance Company, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 584. Waterman Steamship Corporation et al., petitioners, *v.* Pan-American Trade & Credit Corporation and Saman Hnos. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 592. Aiden Lassell Ripley, petitioner, *v.* Findlay Galleries, Inc., and Goes Lithographing Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 638. St. Louis-San Francisco Railway Company, Debtor, petitioner, *v.* James H. Brewster, Jr., et al., as Fort Scott Bondholders' Committee et al.; and

No. 639. Lola Brooks, Administratrix, etc., and John E. Dikis, Administrator, etc., petitioners, *v.* James H. Brewster, Jr., et al., as

Fort Scott Bondholders' Committee et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 391. Samuel Okin, petitioner, *v.* Securities and Exchange Commission;

No. 392. Samuel Okin, petitioner, *v.* Securities and Exchange Commission; and

No. 393. Samuel Okin, petitioner, *v.* Securities and Exchange Commission. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 534. Louis Dabney Smith, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. Mr. Justice Murphy is of the opinion the petition should be granted.

No. 541. G. C. Rowe, Andy Reynolds, Grace Reynolds, et al., petitioners, *v.* Chesapeake Mineral Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 488. Thomas J. McClane, petitioner, *v.* The People of the State of California and Clinton T. Duffy, Warden, et al. On petition for writ of certiorari to the Supreme Court of California;

No. 551. Philip Einsohn, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the County Court of Kings County, State of New York;

No. 553. John J. Cartner, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Onondaga County, State of New York;

No. 576. David T. Tracher, petitioner, *v.* Walter B. Martin, Warden of Attica State Prison, Attica, New York. On petition for writ of certiorari to the County Court of Erie County, State of New York;

No. 604. Arthur Lewis, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 618. Fred Hines, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 620. Joseph Tomanek, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 621. Sam Miner, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 622. Ed Williams, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 623. Hubert J. Gapinski, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 627. Edward Morris, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 629. Theodore Vincent, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 630. Frank Quinn, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 631. Carl Woodward, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 634. Ronald Ritton, petitioner, *v.* Pennsylvania Board of Parole. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 647. John Sheets, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 648. William Deese, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 649. Stanley Kaval, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 650. Robert Harris, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 652. Vernon Monder, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 654. Everett Ross, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Will County, State of Illinois;

No. 659. William Bishop Donnell, petitioner, *v.* Ben B. Stewart, Acting Warden, Missouri State Penitentiary. On petition for writ of certiorari to the Supreme Court of Missouri; and

No. 661. James McDonald, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 33, Misc. Albert Stephens, Administrator, petitioner, *v.* United States;

No. 100. Silas Mason Company, Inc., Walsh Construction Company, Atkinson-Kier Company, petitioners, *v.* United States;

No. 112. B. T. Waller, petitioner, *v.* Northern Pacific Terminal Company of Oregon;

No. 133. John H. Chatz, Trustee in Bankruptcy of Hoaglund & Allum Co., Inc., petitioner, *v.* Midco Oil Corporation;

No. 134. Antonelli Fireworks Co., Inc., Amerigo Antonelli, et al., petitioners, *v.* United States;

No. 158. J. E. Haddock, Limited, and United Pacific Insurance Company, petitioners, *v.* Warren H. Pillsbury, Deputy Commissioner, and Hugh A. Voris, Assistant Deputy Commissioner, of the United States Employees' Compensation Commission for the 13th Compensation District, and Adela F. Much;

No. 164. Tomlinson I. Moseley, Ralph M. Keele, and Keelmo Co., petitioners, *v.* United States Appliance Corporation;

No. 185. Anchor Serum Company, a Corporation of Missouri, petitioner, *v.* American Cooperative Serum Association, a Corporation of Iowa;

No. 186. Illinois Farm Bureau Serum Association, a Corporation of Illinois, petitioner, *v.* American Cooperative Serum Association, a Corporation of Iowa;

No. 187. Realty Operators, Inc., petitioner, *v.* Commissioner of Internal Revenue;

No. 188. William Henderson (Partnership), petitioner, *v.* Commissioner of Internal Revenue; and

No. 189. Laurence M. Williams, as Liquidator of Sterling Sugars, Inc., Formerly a Louisiana Corporation, and Sterling Sugar Sales Corp., petitioners, *v.* Commissioner of Internal Revenue;

No. 217. Mishawaka Rubber and Woolen Manufacturing Company, petitioner, *v.* Panther-Panco Rubber Co., Inc.;

No. 230. Edwin Charles Beauchamp, petitioner, *v.* United States;

No. 267. The Bank of California National Association, Executor of the Estate of Margaret Eyre Girvin, Deceased, petitioner, *v.* Commissioner of Internal Revenue;

No. 276. General Transportation Company, A. B. & C. Transportation Co., et al., appellants, *v.* United States and Interstate Commerce Commission;

No. 292. The Union Metal Manufacturing Company et al., petitioners, *v.* Casper W. Ooms, Commissioner of Patents;

No. 300. Lillian B. Everett, petitioner, *v.* Wallis W. Downing;

No. 318. Louise McGrew Moffett and Louise McGrew Moffett, as Executrix of the Estate of Thomas S. Moffett, Deceased, appellants, *v.* Commerce Trust Company et al.;

No. 321. John H. Chatz, Trustee in Bankruptcy of Howard Haberman, Doing Business as The Club Store, et al., petitioners, *v.* Armour Plant Employees Credit Union; and

No. 322. John H. Chatz, Trustee in Bankruptcy of Howard Haberman, Doing Business as The Club Store, et al., petitioners, *v.* Andrew A. Todd et al.;

No. 323. Joe W. Buice, petitioner, *v.* Colonel Howard S. Patterson et al.;

No. 338. Max Kut, appellant, *v.* Bureau of Unemployment Compensation of the State of Ohio, et al.;

No. 358. Suncook Valley Railroad, petitioner, *v.* Boston and Maine Railroad;

No. 378. Roy Grant, Jr., Doing Business as No Sleet Windshield Heater Company, petitioner, *v.* General Motors Corporation et al.;

No. 412. Louise Andrews, petitioner, *v.* A. C. Aderhold, Warden, etc.; and

No. 479. Harry F. Hill, petitioner, *v.* Robert H. Hudspeth, Warden, etc. The petitions for rehearing in these cases are denied.

No. 45, Misc. Richard O. Read, petitioner, *v.* Carle C. Zimmerman. Motion denied.

No. 176. Bernard M. Shotkin, petitioner, *v.* Judges Superior Court, Atlanta Circuit. The petition for rehearing is denied. The application for the allowance of an appeal is also denied.

No. 232. Robert B. Blalack, petitioner, *v.* United States. The petition for rehearing is denied. The Chief Justice took no part in the consideration or decision of this application.

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No. 582. States Marine Corporation, petitioner, *v.* Joseph Militano. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit. Dismissed on motion of counsel for the petitioner.

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No. 29. Lazarus Joseph, Comptroller of the City of New York, et al., petitioners, *v.* Carter & Weekes Stevedoring Company; and

No. 30. Lazarus Joseph, Comptroller of the City of New York, et al., petitioners, *v.* John T. Clark & Son. Reargued by Mr. Isaac C. Donner for the petitioners and by Mr. Samuel M. Lane for the respondents.

No. 32. The Order of United Commercial Travelers of America, petitioner, *v.* Edward C. Wolfe. Reargued by Mr. E. W. Dillon for the petitioner and by Mr. Hubbard F. Fellows for the respondent.

No. 53. The United States of America, petitioner, *v.* Paul David Sheridan. Argument commenced by Mr. Leon Ulman for the petitioner and continued by Mr. John H. Pickering for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 13, will be as follows: Nos. 53, 25, 47, 27, 28, 70 (and 71), 36, 48, 142, and 31.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Roy Lee Ellis, of New York, N. Y., Benjamin F. Stahl, Jr., of Philadelphia, Pa.; Robert Netty Ferrer, of Philadelphia, Pa.; John Randolph Young, of Philadelphia, Pa.; Jack Wasserman, of New York, N. Y.; George Moncharsh, of San Francisco, Calif.; Carl A. Auerbach, of New York, N. Y.; and John Franklin Fort, of New York, N. Y., were admitted to practice.

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No. 53. The United States of America, petitioner, *v.* Paul David Sheridan. Argument continued by Mr. John H. Pickering for the respondent and concluded by Mr. Leon Ulman for the petitioner.

No. 25. Unemployment Compensation Commission of the Territory of Alaska et al., petitioners, *v.* Frank L. Aragan and Other Applicants, Members of Alaska Cannery Workers Union Local No. 5, et al. Reargued by Mr. Marshall P. Madison for the petitioners and by Mr. Herbert Resner for the respondents.

No. 47. George E. Hickman, as Administrator of the Estate of Norman E. Hickman, Deceased, petitioner, *v.* John M. Taylor and George Anderson, Individually and Trading as Taylor & Anderson Towing and Lighterage Company, et al. Argued by Mr. Abraham E. Freedman for the petitioner, and by Mr. Samuel B. Fortenbaugh, Jr. and Mr. William I. Radner for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 14, will be as follows: Nos. 27, 28, 70 (and 71), 36, 48, 142, 31, 33, 35, and 49.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Marion B. Irland, of Kansas City, Mo.; William J. Stellman, of Chicago, Ill.; David Rein, of New York, N. Y.; Herman A. Greenberg, of Arlington, Va.; Hanselle Lindsay Hester, of Winston-Salem, N. C.; Michael Emmett Culligan, of New Orleans, La.; C. Raymond Salisbury, of Oakland, Calif.; Henry T. Taecker, Jr., of Skokie, Ill.; and Thomas M. Cooley II, of Waterford, Va., were admitted to practice.

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No. 27. Bruce's Juices, Inc., petitioner, *v.* American Can Company. Reargued by Mr. Thurman Arnold and Mr. Cody Fowler for the petitioner and by Mr. John Lord O'Brian for the respondent.

No. 28. Alpine MacGregor, petitioner, *v.* Westinghouse Electric & Manufacturing Company. Reargued by Mr. William B. Jaspert for the petitioner and by Mr. Jo. Baily Brown for the respondent.

No. 70. Edward Katzinger Company, petitioner, *v.* Chicago Metallic Mfg. Company; and

No. 71. Edward Katzinger Company, petitioner, *v.* Chicago Metallic Mfg. Company. Argument commenced by Mr. Charles J. Merriam for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 15, will be as follows: Nos. 70 (and 71), 36, 48, 142, 31, 33, 35, 51, 52, and 54.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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William H. Timbers, of New York, N. Y.; Richard G. McClung of New York, N. Y.; Charles M. Spofford, of New York, N. Y.; Francis Shackelford, of New York, N. Y.; Samuel Hazard Gillespie, Jr., of New York, N. Y.; John E. Masten, of New York, N. Y.; Taggart Whipple, of New York, N. Y.; Harcourt E. Campbell, of Washington, D. C.; Edgar G. Crossman, of New York, N. Y.; Daniel Nelson Adams, of New York, N. Y.; Charles Herbert Johnson, of Waterbury, Conn.; Mortimer Bernard Miley, of St. Paul, Minn.; Abe Fribush, of Washington, D. C.; John Robert Lewis, Jr., of Cincinnati, Ohio; Austin T. Stickells, of St. Louis, Mo.; Allen Monroe Jones, of Washington, D. C.; L. O. Pecot, of Franklin, La.; and Thompson Kurrie, of Indianapolis, Ind., were admitted to practice.

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No. 70. Edward Katzinger Company, petitioner, *v.* Chicago Metallic Mfg. Company; and

No. 71. Edward Katzinger Company, petitioner, *v.* Chicago Metallic Mfg. Company. Argument continued by Mr. Charles J. Merriam for the petitioner; by Mr. Max Zabel for the respondent; and concluded by Mr. Charles J. Merriam for the petitioner.

No. 36. Harice LeRoy Carter, petitioner, *v.* The People of the State of Illinois. Argued by Mr. Stephen A. Mitchell for the petitioner and by Mr. William C. Wines for the respondent.

No. 48. Walter J. Rothensies, Individually and as United States Collector, etc., petitioner, *v.* The Electric Storage Battery Company, a Corporation. Argument commenced by Mr. Arnold Raum for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 18, will be as follows: Nos. 48, 142, 31, 33, 35, 51, 52, 54, 60, and 58 (and 59).

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Alan G. Paine, of Spokane, Wash.; Eldon M. Wright, of North Manchester, Ind.; D. Allen Pace, of Fort Worth, Tex.; Charles P. McKeon, of New Orleans, La.; Jack Stewart Kempton, of Tucson, Ariz.; Edward D. Gasson, of Alexandria, Va.; Henry E. Mills, of New York, N. Y.; James Cunningham Murray, of Chicago, Ill.; Miriam Olden Fendler, of Los Angeles, Calif.; Harold A. Fendler, of Los Angeles, Calif.; Samuel A. Fried, of New York, N. Y.; and John H. Grossman, of Caldwell, N. J., were admitted to practice.

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No. 21. Champlin Refining Company, appellant, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Western District of Oklahoma. Decree affirmed. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Burton join.

No. 12. Heber Kimball Cleveland, petitioner, *v.* The United States of America;

No. 13. Heber Kimball Cleveland, petitioner, *v.* The United States of America;

No. 14. Heber Kimball Cleveland, petitioner, *v.* The United States of America;

No. 15. David Brigham Darger, petitioner, *v.* The United States of America;

No. 16. Vergel Y. Jessop, petitioner, *v.* The United States of America;

No. 17. Theral Ray Dockstader, petitioner, *v.* The United States of America;

No. 18. L. R. Stubbs, petitioner, *v.* The United States of America; and

No. 19. Follis Gardner Petty, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgments affirmed and cases re-

manded to the District Court of the United States for the District of Utah. Opinion by Mr. Justice Douglas. Dissenting: Mr. Justice Black and Mr. Justice Jackson. Concurring opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Murphy.

No. 24. Halliburton Oil Well Cementing Company, petitioner, *v.* Cranford P. Walker et al., Doing Business as Depthograph Company, a Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs and case remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Concurring: Mr. Justice Frankfurter. Dissenting: Mr. Justice Burton.

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The Chief Justice announced the following order of the Court:

No. 645. The New York, Chicago and St. Louis Railroad Company, appellant, *v.* Commonwealth of Pennsylvania; and

No. 646. The New York, Chicago and St. Louis Railroad Company, appellant, *v.* The Commonwealth of Pennsylvania. Appeals from the Supreme Court of the Commonwealth of Pennsylvania. *Per curiam*: The motions to dismiss are granted and the appeals are dismissed for the want of a substantial federal question.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### ORDER

It is ordered that Rule 2 of the Rules of this Court be amended by adding the following paragraph:

"6. An attorney, barrister, or advocate who is qualified to practice in the highest court of any foreign state which extends a like privilege to members of the bar of this Court, may be specially admitted for purposes limited to a particular case. He shall not, however, be authorized to act as attorney of record. In the case of such applicants, the oath shall not be required and there shall be no fee. Such admissions shall be only on motion of a member of the bar of this Court, notice of which signed by such member and reciting all relevant facts shall be filed with the Clerk at least three days prior to the motion."

No. 58, Misc. Ex parte Bernard M. Shotkin, petitioner. The petitions for appeal and certiorari are denied.

No. 60, Misc. Ex parte Alfred Johnson, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 59, Misc. Ex parte Guy Prather, petitioner;

No. 61, Misc. Ex parte Billy Bernard Bledsoe, petitioner; and

No. 62, Misc. Ex parte Alonzo Williams, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 9, Original. The State of Illinois, Complainant, *v.* The State of Indiana et al. The Interim Report of the Special Master and his Special Report as to Shell Oil Company and The Texas Company are received and ordered filed. Exceptions and objections thereto, if any, are to be filed on or before December 16, next.

No. 52. Arch R. Everson, appellant, *v.* Board of Education of the Township of Ewing, In the County of Mercer, et al. The motion of E. Hilton Jackson for leave to appear and present oral argument on behalf of Seventh Day Adventists and others as *amici curiae* is denied.

No. 454. Joseph B. Fleming and Aaron Colnon, Trustees of the Chicago, Rock Island and Pacific Railway Company, et al., petitioners, *v.* John C. Traphagen et al. The motion of Otis F. Glenn for leave to withdraw his appearance as counsel for the petitioner is granted.

No. 453. The Penfield Company of California and A. W. Young, petitioners, *v.* Securities and Exchange Commission. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is granted.

No. 316. M. T. McArthur, petitioner, *v.* William W. Faw et al. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 410. The Chicago, Rock Island and Pacific Railway Company, petitioner, *v.* Joseph B. Fleming and Aaron Colnon as Trustees of the Chicago, Rock Island and Pacific Railway Company, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 524. Carter H. Harrison, Jr., et al., petitioners, *v.* Joseph B. Fleming and Aaron Colnon, as Trustees of the Chicago, Rock Island and Pacific Railway Company, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 517. Leo Sanders, Sole Trader, Doing Business as Leo Sanders Fuel Company, petitioner, *v.* The Oklahoma Tax Commission. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 573. Max N. Kohler, Individually and on Behalf of Others Similarly Situated, petitioner, *v.* Mrs. Elizabeth McClellan Humphrey, as Testamentary Executrix of Byron C. McClellan, Deceased, et al.

Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 590. F. A. Gillespie and Sons Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 591. F. A. Gillespie and Sons Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 594. Charles P. Gotwals, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 607. Chicago Pneumatic Tool Company, a Corporation of New Jersey, et al., petitioners, *v.* Hughes Tool Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 624. American Railroad Company of Puerto Rico, petitioner, *v.* Antonio Torres Romero et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 642. Texas Pacific Coal & Oil Company, petitioner, *v.* R. G. Calcote et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 487. Twin Falls Canal Company, a Corporation, petitioner, *v.* Harold H. Johnson, North American Mortgage Company, a Montana Corporation, et al. Petition for writ of certiorari to the Supreme Court of Idaho denied.

No. 557. Thomas W. Lamont, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 558. Stanley W. Taylor, petitioner, *v.* Paul A. Porter, Price Administrator, Office of Price Administration. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the United States Emergency Court of Appeals is denied. The Chief Justice took no part in the consideration or decision of these applications.

No. 476. Illinois Packing Company, a Corporation, petitioner, *v.* Charles B. Henderson, Individually and as Acting Administrator of the Office of Federal Loan Administrator, etc., et al. Petition for writ of certiorari to the United States Emergency Court of Appeals denied. The Chief Justice took no part in the consideration or decision of this application.

No. 566. William Howard Taft Jones, petitioner, *v.* The State of Texas. On petition for writ of certiorari to the Court of Criminal Appeals, State of Texas;

No. 664. Mártin Finn, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 668. Logan Morris, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 669. William M. Evans, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 804, October Term 1945. Kenneth W. Colegrove, Peter J. Chamales and Kenneth C. Sears, appellants, *v.* Dwight H. Green, as a Member, Ex-Officio of the Primary Certifying Board of the State of Illinois, et al. The motion for reargument before the full bench is denied. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 2, Misc. Chester Slivensky, petitioner, *v.* People of the State of New Jersey;

No. 218. Frederic F. Wolter, petitioner, *v.* Safeway Stores, Inc.;

No. 282. Clarence C. Mason, petitioner, *v.* State of New York; and

No. 449. The Order of Railroad Telegraphers, an Unincorporated Association, et al., petitioners, *v.* New Orleans, Texas & Mexico Railway Company et al. The petitions for rehearing in these cases are denied.

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The Court will take a recess from Monday, November 25, until Monday, December 9, next.

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No. 48. Walter J. Rothensies, Individually and as United States Collector of Internal Revenue for the First District of Pennsylvania, petitioner, *v.* The Electric Storage Battery Company, a Corporation. Argument concluded by Mr. Laurence H. Eldredge for the respondent.

No. 142. State of Louisiana ex rel. Willie Francis, petitioner, *v.* E. L. Resweber, Sheriff of the Parish of St. Martin, Louisiana, et al. Argued by Mr. James Skelly Wright for the petitioner and by Mr. Michael E. Culligan and Mr. L. O. Pecot for the respondents.

No. 31. Dr. Furman Angel, petitioner, *v.* W. H. Bullington. Re-argument commenced by Mr. George Lyle Jones for the petitioner and continued by Mr. R. Roy Rush for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 19, will be as follows: Nos. 31, 33, 35, 51, 52, 54, 60, 58 (and 59), 49, and 65.

SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Jerome W. Shay, of Frankfort, Ind.; James Caleb Boggs, of Wilmington, Del.; John J. Adams, of Cleveland, Ohio; Mark A. Loofbourrow, of Cleveland, Ohio; Frank D. James, Jr., of Seattle, Wash.; Frances Lopinsky, of Charleston, W. Va.; Philip Travis, of Washington, D. C.; Robert J. Trace, of Harrisburg, Pa.; and Loren H. Laughlin, of Lincoln, Nebr., were admitted to practice.

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No. 31. Dr. Furman Angel, petitioner, *v.* W. H. Bullington. Reargued continued by Mr. R. Roy Rush for the respondent and concluded by Mr. George Lyle Jones for the petitioner.

No. 33. Murray Winters, appellant, *v.* The People of the State of New York. Reargued by Mr. Arthur N. Seiff and Mr. Emanuel Redfield for the appellant and by Mr. Whitman Knapp for the appellee.

No. 35. People of the State of Illinois, *ex rel.* Robert L. Gordon, Director of Labor, petitioner, *v.* Nigal D. Campbell, Collector of Internal Revenue. Reargued by Mr. Albert E. Hallett for the petitioner and by Mr. J. Louis Monarch for the respondent.

No. 51. Ferdinand Fiswick, Jacob F. Mayer, and Fritz Gustav Rudolph, petitioners, *v.* The United States of America. Argument commenced by Mr. Frederic M. P. Pearse for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 20, will be as follows: Nos. 51, 52, 54, 60, 58 (and 59), 49, 65, 66, and 67.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Albert McCay, of Palmyra, N. J.; John Markley Scanlon, of Washington, D. C.; Roger R. Clisham, of New York, N. Y.; Frank Thomas Miller, Jr., of Greensboro, N. C.; Claude C. Pierce, Jr., of New York, N. Y.; Oscar Leak Tyree, of Winston-Salem, N. C.; Wyckoff Westover, of Los Angeles, Calif.; Florence M. Middelkamp, of Kansas City, Mo.; Clair L. Kintz, of Washington, D. C.; Marion R. Garstang, of Linn, Mo.; and W. R. Sheeley, of Dadeville, Ala., were admitted to practice.

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No. 51. Ferdinand Fiswick, Jacob F. Mayer, and Fritz Gustav Rudolph, petitioners, *v.* The United States of America. Argument continued by Mr. Frederic M. P. Pearse for the petitioners and concluded by Mr. Leon Ulman for the respondent.

No. 52. Arch R. Everson, appellant, *v.* Board of Education of the Township of Ewing, In the County of Mercer, et al. Argued by Mr. Edward R. Burke and Mr. E. Hilton Jackson for the appellant and by Mr. William H. Speer for the appellees.

No. 54. The United States of America, petitioner, *v.* Joseph Ruzicka and Charles Ruzicka, Individually and as Co-partners Trading as Seeley Dairy. Argument commenced by Mr. Acting Solicitor General Washington for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 21, will be as follows: Nos. 54, 60, 58 (and 59), 49, 65, and 67.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Russell F. O'Hara, of Vallejo, Calif.; David S. Pattullo, of Portland, Oreg.; Harold L. Kennedy, of Washington, D. C.; Gerald Willis Myers, of Los Angeles, Calif.; Paul A. F. Warnholtz, of Chicago, Ill.; Wm. Wayne Oliver, of Maryville, Tenn.; Walker Allen Jensen, of Winnetka, Ill.; Charles W. Stadell, of Chicago, Ill.; and Archie R. Boyack, of Cheyenne, Wyo., were admitted to practice.

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No. 54. The United States of America, petitioner, *v.* Joseph Ruzicka and Charles Ruzicka, Individually and as Co-Partners Trading as Seeley Dairy. Argument continued by Mr. Acting Solicitor General Washington for the petitioner and concluded by Mr. William Parker Ward for the respondents.

No. 60. National Labor Relations Board, petitioner, *v.* A. J. Tower Company. Argued by Mr. Gerhard P. Van Arkel for the petitioner and by Mr. John T. Noonan for the respondent.

No. 58. Major General W. W. Eagles, Post Commanding Officer, Fort Dix, New Jersey, petitioner, *v.* United States ex rel. Harry Horowitz; and

No. 59. Major General W. W. Eagles, Post Commanding Officer, Fort Dix, New Jersey, petitioner, *v.* United States ex rel. Jacob S. Samuels. Argued by Mr. Irving S. Shapiro for the petitioner and by Mr. Meyer Kreeger for the respondents.

No. 49. Hans Max Haupt, petitioner, *v.* The United States of America. Argument commenced by Mr. Paul A. F. Warnholtz for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 22, will be as follows: Nos. 49, 65, and 67.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Harry M. Edelstein, of Washington, D. C.; Hope Robbins Hooe, of Chicago, Ill.; William R. Talley, of San Francisco, Calif.; Bernard D. Craig, of Kansas City, Mo.; L. Alward White, of Amarillo, Tex.; Pauline G. Evansha, of Hazleton, Pa.; and Charles H. Ferguson, of Tampa, Fla., were admitted to practice.

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No. 49. Hans Max Haupt, petitioner, *v.* The United States of America. Argument continued by Mr. Paul A. F. Warnholtz for the petitioner and concluded by Mr. Frederick Bernays Wiener for the respondent. Leave granted petitioner to file a brief by December 2, next.

No. 65. Federal Communications Commission, petitioner, *v.* WOKO, Incorporated. Argued by Mr. Harry M. Plotkin for the petitioner and by Mr. William J. Dempsey for the respondent.

No. 67. The United States of America, petitioner. *v.* Louis Bruno. Argued by Mr. Stanley N. Silverberg for the petitioner and by Mr. George R. Sommer for the respondent.

Adjourned until Monday, November 25, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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John C. Howard, of Kalamazoo, Mich.; Edward Sanford Ronan, Jr., of New York, N. Y.; Emanuel Eschwege, of New York, N. Y.; Edwin B. Patterson, of Arlington, Va.; Paul Stickler, of Chicago, Ill.; Lester E. Denonn, of New York, N. Y.; R. M. Arnold, of Columbus, Ga.; Lyle L. Iversen, of Seattle, Wash.; Perris S. Jensen, of Salt Lake City, Utah; John L. Laskey, of Washington, D. C.; and Laurance W. Brooks, of Baton Rouge, La., were admitted to practice.

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No. 4. American Power & Light Company, petitioner, *v.* Securities and Exchange Commission; and

No. 5. Electric Power & Light Corporation, petitioner, *v.* Securities and Exchange Commission. On writs of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgments affirmed and cases remanded to the United States Circuit Court of Appeals for the First Circuit. Opinion by Mr. Justice Murphy. Mr. Justice Frankfurter agrees with the opinion except as noted by him. Mr. Justice Reed, Mr. Justice Douglas, and Mr. Justice Jackson took no part in the consideration or decision of these cases. Concurring opinion by Mr. Justice Rutledge.

No. 46. Richfield Oil Corporation, appellant, *v.* State Board of Equalization. Appeal from the Supreme Court of the State of California. Judgment reversed with costs and case remanded to the Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Murphy took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Black.

No. 50. The United States, petitioner, *v.* The Howard P. Foley Company, Inc. On writ of certiorari to the Court of Claims. Judgment reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting: Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson.

No. 26. The United States, petitioner, *v.* Alcea Band of Tillamooks et al. On writ of certiorari to the Court of Claims. Judgment affirmed. The Chief Justice announced the judgment of the Court and delivered an opinion in which Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy join. Mr. Justice Jackson took no part in the consideration or decision of this case. Concurring opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Rutledge and Mr. Justice Burton join.

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The Chief Justice announced the following order of the Court:

No. 670. Motorists Mutual Insurance Company, appellant, *v.* Harry Hendershot, Administrator of the Estate of Anna L. Hendershot, Deceased. Appeal from the Supreme Court of Ohio. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 64, Misc. Ex parte LeRoy James Jeffries, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 65, Misc. Ex parte John Wilson, petitioner. The motion for leave to file petition for writ of habeas corpus and petition for ancillary writ of certiorari are denied.

No. 66, Misc. Ex parte William Mitchell, petitioner. The application is denied.

No. 320. Newton W. Ellis, petitioner, *v.* Union Pacific Railroad Company. Petition for writ of certiorari to the Supreme Court of Nebraska granted and case transferred to the summary docket.

No. 609. Charles A. Dana, Sir James Dunn, John W. Hubbard, et al., etc., petitioners, *v.* J. Donald Duncan, as Trustee, et al.; and

No. 610. Equitable Office Building 1913 Co., Inc., petitioner, *v.* J. Donald Duncan, as Trustee, et al. On petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit. So much of the respective petitions for certiorari in these cases as asks for a writ to review the order of the United States District Court for the Southern District of New York is denied.

No. 589. The Ebling Brewing Co., Inc., petitioner, *v.* Paul A. Porter, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 605. Wilmot W. Trew, petitioner, *v.* Dan E. Garvey, as Secretary of State of the State of Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 608. Richard A. Kent, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 613. Granada Apartments Hotel Corporation, petitioner, *v.* City National Bank and Trust Company of Chicago, Individually and as Successor Trustee. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 617. Estate of Walter C. Burr, Deceased, Jerome P. Burr and Clinton S. Burr, Executors, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 635. McCrady Construction Co., petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 655. Archie Finch and Nancy Finch, petitioners, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 502. People of the State of New York *ex rel.* Paul Lutz, petitioner, *v.* Walter B. Martin, M. D., as Warden, etc. On petition for writ of certiorari to the Supreme Court, Appellate Division, State of New York;

No. 665. Otis Myers, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 671. William Dawsett, petitioner, *v.* Gerald F. Bush, Warden, etc. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 683. Frank Green, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 684. Arthur S. Newman, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Bond County, State of Illinois;

No. 685. Everett Ross, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Rock Island County, State of Illinois;

No. 686. John Sheets, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 691. Henry Wofford, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 692. Joseph Maciong, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 165. George W. Peeler, petitioner, *v.* Mrs. Essie Cook Caver Peeler;

No. 484. Millard C. Baker, Isadore Walter Kahn, Benjamin L. Levy, et al., petitioners, *v.* United States;

No. 485. Nathan Silverman, petitioner, *v.* United States;

No. 486. Rubein V. Johnson, petitioner, *v.* United States;

No. 501. The Okonite Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 531. Earl P. Cook, appellant, *v.* Ben W. Fortson, Jr., as Secretary of State of Georgia, et al.; and

No. 532. Mrs. Robert Lee Turman and Cullen B. Gosnell, appellants, *v.* J. Lon Duckworth, as Chairman of the Georgia State Democratic Executive Committee, et al. The petitions for rehearing in these cases are denied.

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Adjourned until Monday, December 9, next, at 12 o'clock.

The day call for Monday, December 9, will be as follows: Nos. 61, 62, 63 (and 64), 66, 68, 69, 514, 75, 34, and 77 (and 78).

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Marion E. Caswell, of Superior, Wis.; Elmer Ware Stahl, of San Antonio, Tex.; Milton R. Schlesinger, of Cleveland, Ohio; Harry E. Wilmarth, of Cedar Rapids, Iowa; Clyde Lawson Walker, of Portland, Oreg.; Ray H. Overacker, of Huntington Beach, Calif.; Hugh D. Wise, Jr., of Washington, D. C.; Charles H. Rutherford, Jr., of Nashville, Tenn.; John Charles Henderson, of Oakland, Calif.; Harold E. Andrews, Jr., of Ashland, Ohio; Raymond Lawrence Sullivan, of San Francisco, Calif.; Ray R. Murdock, of Washington, D. C.; Hugh B. Dudley, of West Palm Beach, Fla.; Charles Frederick Meyers, of Chicago, Ill.; Raymond G. Real, of Chicago, Ill.; Harold Laurence Lipton, of New York, N. Y.; Frederick C. Vonhof, of Newark, N. J.; Hunter L. Johnson, Jr., of Tulsa, Okla.; John Thomas Daly, of Great Neck, N. Y.; Charles W. Burkett, Jr., of San Francisco, Calif.; and Victor S. Johnson, Jr., of Chicago, Ill., were admitted to practice.

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No. 40. The United States of America, petitioner, *v.* Iska W. Carmack. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed and case remanded to the District Court of the United States for the Eastern District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Burton. Mr. Justice Douglas concurs in the result and substantially agrees with the opinion of the Court.

No. 65. Federal Communications Commission, petitioner, *v.* WOKO, Incorporated. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and case remanded to the Court of Appeals with direction to remand to the Federal Communications Commission. Opinion by Mr. Justice Jackson. Mr. Justice Black took no part in the consideration or decision of this case.

No. 37. Edna W. Ballard and Donald Ballard, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed

and case remanded to the District Court of the United States for the Southern District of California for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Opinion by Mr. Justice Jackson concurring in the result. Separate opinion by Mr. Justice Frankfurter in which the Chief Justice, Mr. Justice Jackson, and Mr. Justice Burton join. Dissenting opinion by Mr. Justice Burton in which the Chief Justice and Mr. Justice Frankfurter join. Mr. Justice Jackson joins in the opinion of Mr. Justice Burton except insofar as the final paragraph relates to an affirmation of the convictions.

No. 67. The United States of America, petitioner, *v.* Louis Bruno. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the District Court of the United States for the District of New Jersey for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 51. Ferdinand Fiswick, Jacob F. Mayer, and Fritz Gustav Rudolph, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the District Court of the United States for the District of New Jersey for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 36. Harice LeRoy Carter, petitioner, *v.* The People of the State of Illinois. On writ of certiorari to the Supreme Court of Illinois. Judgment of Supreme Court of Illinois affirmed. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Rutledge concur. Dissenting opinion by Mr. Justice Murphy.

No. 42. Vanston Bondholders Protective Committee, petitioner, *v.* Louis A. Green and Robert Heilbrunn, Known in These Proceedings as The Green Committee and Morris Green;

No. 43. Vanston Bondholders Protective Committee, petitioner, *v.* Carl B. Early, Daniel Matthews, Thomas Matthews, et al.;

No. 44. Vanhorn Bondholders Protective Committee, petitioner, *v.* Louis A. Green and Robert Heilbrunn, Known in These Proceedings as The Green Committee and Morris Green; and

No. 45. Vanhorn Bondholders Protective Committee, petitioner, *v.* Carl B. Early, Daniel Matthews, Thomas Matthews, et al. On writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgments affirmed with costs and cases remanded to the District Court of the United States for the Eastern District of Kentucky. Opinion by Mr. Justice Black. Mr. Justice Reed took no part in the consideration or decision of these cases. Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson

joins. Mr. Justice Burton having concurred in the opinion of the Court also joins in the opinion of Mr. Justice Frankfurter.

No. 11. Alma Motor Company, petitioner, *v.* The Timken-Detroit Axle Company and the United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of Circuit Court of Appeals vacated without costs and case remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Vinson.

No. 25. Unemployment Compensation Commission of the Territory of Alaska, Noble Dick, R. E. Hardcastle, et al., etc., petitioners, *v.* Frank L. Aragon and Other Applicants, Members of Alaska Cannery Workers Union Local No. 5, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of Circuit Court of Appeals affirmed in part and reversed in part and case remanded to the District Court of the United States for the Territory of Alaska with instructions to remand to the Unemployment Compensation Commission of the Territory of Alaska for further proceedings pursuant to the opinion of this Court. Opinion by Mr. Chief Justice Vinson.

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The Chief Justice announced the following orders of the Court:

No. 681. W. H. Tompkins Company, Now Tompkins Motor Lines, Inc., appellant, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Middle District of Tennessee. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. *United States v. Carolina Freight Carriers Corporation*, 315 U. S. 475. Mr. Justice Black, Mr. Justice Reed, and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted.

No. 368. The Sioux Tribe of Indians, petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims. *Per curiam*: The petition for rehearing is granted. The order entered October 21, 1946, denying certiorari is vacated and the petition for writ of certiorari is granted. The judgment is vacated and the case is remanded to the Court of Claims in order to enable that court to determine whether the Act of August 13, 1946, gives rise to any claims which petitioners may assert to affect the judgment heretofore entered in this cause, as to which this Court means to intimate no opinion.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 67, Misc. Ex parte Frank Smith, petitioner;

No. 69, Misc. Ex parte Joseph Greco, petitioner; and

No. 72, Misc. Ex parte Otis Myers, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 68, Misc. Ex parte Lawrence DeCloux, petitioner;

No. 70, Misc. Ex parte L. P. Glass, petitioner; and

No. 73, Misc. Ex parte William M. Lee, petitioner. The applications are denied.

No. 71, Misc. Ex parte Francis Haines, petitioner. The motion for an injunction is denied.

No. 682. Paul A. Porter, Administrator, Office of Price Administration, appellant, *v.* Dusty Rhodes, Sheriff, Tarrant County, Texas, et al. In this case probable jurisdiction is noted.

No. 687. John H. Fahey and A. V. Ammann, Individually and Respectively as Federal Loan Bank Commissioner and Conservator for the Long Beach Federal Savings and Loan Association, appellants, *v.* Paul Mallonee et al. In this case probable jurisdiction is noted. The motion to vacate the stay order presented to Mr. Justice Rutledge and by him referred to the Court, is denied.

No. 606. The United States of America, petitioner, *v.* Samuel Bayer, Elias Bayer, and Walter V. Radovich. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 626. James E. Markham, Alien Property Custodian, petitioner, *v.* Alvina Allen, Gertrude Dinwiddie, Hilda Pigozzi, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 658. Packard Motor Car Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted.

No. 593. Francis R. Cope, Jr., petitioner, *v.* A. M. Anderson, Receiver of the National Bank of Kentucky. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted and case transferred to the summary docket. The Chief Justice took no part in the consideration or decision of this application.

No. 656. A. M. Anderson, Receiver of the National Bank of Kentucky, Louisville, Kentucky, petitioner, *v.* Lawrence S. Helmers et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. The case is transferred to the summary docket and assigned for argument immediately following No. 593. The Chief Justice took no part in the consideration or decision of this application.

No. 759. The United States of America, petitioner, *v.* United Mine Workers of America, an Unincorporated Association; and

No. 760. The United States of America, petitioner, *v.* John L. Lewis, Individually and as President of the United Mine Workers of America. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia granted and the cases are assigned for argument on Tuesday, January 14, next.

No. 497. 149 Madison Avenue Corp. and Williams & Co., Inc., petitioners, *v.* Frank Asselta, Camilo Del Rio, Joseph McArdle, et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit. The petition for rehearing is granted. The order entered October 28, 1946, denying certiorari is vacated and the petition for writ of certiorari is granted. The case is transferred to the summary docket and assigned for argument immediately following No. 564, which case is assigned for argument immediately following No. 74.

No. 586. Werner Reimann, petitioner, *v.* Tom C. Clark, Attorney General of the United States;

No. 587. Citizens Protective League et al., petitioners, *v.* Tom C. Clark, Attorney General of the United States; and

No. 588. Citizens Protective League et al., petitioners, *v.* Tom C. Clark, Attorney General of the United States. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 619. Grandview Dairy, Inc., petitioner, *v.* Marvin Jones, War Food Administrator, and Claude R. Wickard, Secretary of Agriculture of the United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 632. Triumph Explosives, Inc., Formerly Known and Sued Herein as Triumph Fusee and Fireworks Company, Ltd., petitioner, *v.* Oscar Giusti. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 633. Superior Packing Company, petitioner, *v.* Paul A. Porter, Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 640. Bailey Farm Dairy Company et al., petitioners, *v.* Clinton P. Anderson, Secretary of Agriculture. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 641. Louisville Provision Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 651. Morris Investment Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 663. Wilson & Co., Inc., et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 548. A. J. Zayatz, petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the Supreme Court of Alabama denied. Mr. Justice Black is of the opinion that the petition should be granted.

No. 376. Wilbur Paul Patterson, petitioner, *v.* The State of Florida. On petition for writ of certiorari to the Supreme Court of Florida;

No. 465. Willie Davis, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia;

No. 506. Joseph W. Reilly, petitioner, *v.* Michael J. Pescor, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Eight Circuit;

No. 657. Louise Peete, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the Supreme Court of California;

No. 666. Arthur Richardson, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court, Richmond County, State of New York;

No. 667. Lawrence H. Thomas, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Rock Island County, State of Illinois;

No. 698. Harlen Broyles, petitioner, *v.* The State of Oklahoma. On petition for writ of certiorari to the Criminal Court of Appeals, State of Oklahoma;

No. 701. Wesley O. Cross, petitioner, *v.* Gerald F. Bush, Warden, etc. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 709. James W. Ross, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 713. Michael Prokop, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 714. Henry L. Wilson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 716. James Paul Abbott, petitioner, *v.* Pennsylvania Board of Parole. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 334. Frank Stuart Fowler, petitioner, *v.* Howard B. Gill, General Superintendent, D. C. Penal Institutions. The motion for leave to proceed *in forma pauperis* is granted. The motions for a restraining order, for joinder of party respondent, and to strike respondent's memorandum are denied. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied.

No. 57, Misc. Ex parte Edmond C. Fletcher, petitioner. The petition for rehearing is denied. The Chief Justice and Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 880, October Term, 1945. Harry J. Alker, Jr., and Mamie Du Ban, Individually and as Executrix of the Estate of Alfred A. Du Ban, Deceased, petitioners, *v.* Federal Deposit Insurance Corporation. The motion for leave to file a fifth petition for rehearing is denied. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 176. Bernard M. Shotkin, petitioner, *v.* Judges Superior Court, Atlanta Circuit. The motion for leave to file a second petition for rehearing is denied.

No. 299. Frank Palumbo, petitioner, *v.* J. Vernel Jackson, Warden, etc.;

No. 642. Texas Pacific Coal & Oil Company, petitioner, *v.* R. G. Calcote et al.; and

No. 659. William Bishop Donnell, petitioner, *v.* Ben B. Stewart, Acting Warden, etc. The petitions for rehearing are denied.

No. 61. The United States of America and Interstate Commerce Commission, appellants, *v.* Seatrain Lines, Inc. Argued by Mr. Edward M. Reidy for the appellants and by Mr. Wilbur LaRoe, Jr., for the appellee.

No. 62. Charles B. Morris, appellant, *v.* Paul F. Jones, Director of Insurance of the State of Illinois. Argument commenced by Mr. Ford W. Thompson for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 10, will be as follows: Nos. 62, 66, 63 (and 64), 68, 69, 514, 75, 34, 77 (and 78), and 80.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Roger C. Slaughter, of Kansas City, Mo.; Howard Worth Smith, Jr., of Alexandria, Va.; Lawrence E. Williams, of Washington, D. C.; Joseph Leon Nellis, of Washington, D. C.; Walter Ervin James, of Montgomery, Ala.; Gordan P. Eckman, of Denver, Colo.; Clay M. Ryan, of Lancaster, Pa.; Joseph Kadans, of Baltimore, Md.; William F. McDonald, of Baltimore, Md.; Jacob Rassner, of New York, N. Y.; Jacob W. Rosenthal, of New York, N. Y.; Henry B. Ely, of Los Angeles, Calif.; Bertrand Mahoney, of New York, N. Y.; Richard Wagner Dickenson, of Stockton, Calif.; and George F. McKendry, of Cannondale, Conn., were admitted to practice.

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No. 700. Borg-Warner Corporation and David E. Gamble, petitioners, *v.* George I. Goodwin and John F. Daukus. Time within which to file brief in response to petition for certiorari extended to and including December 20, 1946, on motion of Raymond L. Greist for the respondents.

No. 763. Wabash Railroad Company, petitioner, *v.* J. F. Williamson; and

No. 770. The City of Portland, a Municipal Corporation, petitioner, *v.* Public Market Company of Portland, Reconstruction Finance Corporation, The First National Bank of Portland, Oregon. Time for making service of petitions for certiorari, briefs, and records extended to a date which is not later than ten days after the giving of notice by the Clerk of this Court to counsel for the petitioners that the printed records have been delivered to such Clerk.

No. 586. Werner Reimann, petitioner, *v.* Tom C. Clark, Attorney General of the United States;

No. 587. Citizens Protective League et al., petitioners, *v.* Tom C. Clark, Attorney General of the United States; and

No. 588. Citizens Protective League et al., petitioners, *v.* Tom C. Clark, Attorney General of the United States. Orders denying certiorari withheld, on motion of James J. Laughlin for the petitioners, until December 20, and if petition for rehearing is filed by that date then the orders to be held until action on the petition.

No. 62. Charles B. Morris, appellant, *v.* Paul F. Jones, Director of Insurance of the State of Illinois. Argument continued by Mr. Ford W. Thompson for the appellant, by Mr. Ferre C. Watkins for the appellee, and concluded by Mr. J. L. London for the appellant.

No. 66. Board of Governors of the Federal Reserve System et al., petitioners, *v.* John Agnew, F. O. Fayerweather. Argued by Mr. J. Leonard Townsend for the petitioners and by Mr. Hugh H. Obear for the respondents.

No. 63. The Order of Railway Conductors of America, H. W. Fraser, President, et al., petitioners, *v.* O. E. Swan et al.; and

No. 64. F. J. Williams, William Bishop, Paul M. Carter, et al., etc., petitioners, *v.* O. E. Swan et al. Argument commenced by Mr. V. C. Shuttleworth for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 11, will be as follows: Nos. 63 (and 64), 68, 69, 514, 75, 34, 77 (and 78), 81 (and 82), 83, and 88.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Robert Roy Dann, of New York, N. Y.; Samuel David Slade, of Alexandria, Va.; John J. McGinty, of Washington, D. C.; John T. Casey, of New York, N. Y.; Kingsley A. Taft, of Cleveland, Ohio; Eli E. Nobleman, of New York, N. Y.; Marie McCutcheon, of Dallas, Tex.; Joseph Wainer, of Philadelphia, Pa.; Marjorie Pitts Amendola, of Atlanta, Ga.; Harold L. Ickes, of Washington, D. C.; Raymond W. Ickes, of Chicago, Ill.; John A. Montgomery, Jr., of Philadelphia, Pa.; Lee W. Cowan, of Washington, D. C.; Oscar J. See, of Washington, D. C.; Charles Franklin Brannan, of Denver, Colo.; Bertram J. Dembo, of New York, N. Y.; William L. Kumler, of Los Angeles, Calif.; and Rowland F. Schlegel, of Peoria, Ill., were admitted to practice.

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No. 63. The Order of Railway Conductors of America, H. W. Fraser, President, et al., petitioners, *v.* O. E. Swan et al.; and

No. 64. F. J. Williams, William Bishop, Paul M. Carter, et al., etc., petitioners, *v.* O. E. Swan et al. Argument continued by Mr. V. C. Shuttleworth for the petitioners; by Mr. Douglas F. Smith for respondents, Carrier Members of the First and Fourth Divisions, et al.; by Mr. Anan Raymond for respondent, Railway Yardmasters of America; and concluded by Mr. V. C. Shuttleworth for the petitioners.

No. 68. Beulah B. Crane, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Edward S. Bentley for the petitioner and by Mr. J. Louis Monarch for the respondent.

No. 69. American Stevedores, Inc., petitioner, *v.* Rosario Porello and The United States of America. Argument commenced by Mr. Edward Ash for the petitioner and continued by Mr. J. Frank Staley for the respondent, The United States, and by Mr. Jacob Rassner for the respondent, Rosario Porello.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 12, will be as follows: Nos. 69, 514, 75, 34, 77 (and 78), 81 (and 82), 83, 88, 55 (and 76), and 80.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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John L. Collins, of Hartford, Conn.; Jacob Cohen, of Chicago, Ill.; Ernest K. James, of Charleston, W. Va.; John C. Collet, of Kansas City, Mo.; Luke Ferdinand Ryan, of Northampton, Mass.; Murray Steyer, of Brooklyn, N. Y.; and Jefferson Woodrow Gilmore, of Grove Hill, Ala., were admitted to practice.

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No. 69. American Stevedores, Inc., petitioner, *v.* Rosario Porello and the United States of America. Argument continued by Mr. Jacob Rassner for the respondent, Rosario Porello, and concluded by Mr. Edward Ash for the petitioner.

No. 514. The United States of America *v.* Maria R. Lauro, as Administratrix of the Goods, Chattels, and Credits of Peter Lauro, Deceased. Argued by Mr. J. Frank Staley for the United States and by Mr. Jacob Rassner for Maria R. Lauro, as Administratrix, etc.

No. 75. International Harvester Company, appellant, *v.* Tax Commissioner of Ohio. Argument commenced by Mr. Joseph J. Daniels for the appellant, continued by Mr. A. A. Wendt for the appellee, and concluded by Mr. Edward R. Lewis for the appellant.

No. 34. George Harris, petitioner, *v.* The United States of America. Argument commenced by Mr. Roy St. Lewis for the petitioner and continued by Mr. Frederick Bernays Wiener for the respondent and by Mr. Herbert K. Hyde for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 13, will be as follows: Nos. 34, 77 (and 78), 81 (and 82), 83, 88, 55 (and 76), 80, 79, 93, and 206.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Ralph W. Chandless, of Hackensack, N. J.; John Spiller, of Olympia, Wash.; Thomas Edward Hunter, of Chicago, Ill.; Leonard Helfenstein, of Philadelphia, Pa.; Henry Waldman, of New York, N. Y.; Charles E. Nieman, of Minneapolis, Minn.; Carl Middleton English, of Chevy Chase, Md.; William Moses Rice, of Alexandria, Va.; Thomas H. Riley, of Chicago, Ill.; Harold A. Kooman, of Saint Petersburg, Fla.; and John L. Grabber, of Kalamazoo, Mich., were admitted to practice.

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No. 34. George Harris, petitioner, *v.* The United States of America. Argument concluded by Mr. Herbert K. Hyde for the petitioner.

No. 77. The United States of America, petitioner, *v.* William M. Dickinson; and

No. 78. The United States of America, petitioner, *v.* F. H. Withrow. Argued by Mr. Ralph S. Boyd for the petitioner and by Mr. Ernest K. James for the respondents.

No. 81. Securities and Exchange Commission, petitioner, *v.* Chenery Corporation et al.; and

No. 82. Securities and Exchange Commission, petitioner, *v.* Federal Water and Gas Corporation. Argument commenced by Mr. Roger S. Foster for the petitioner and continued by Mr. Spencer Gordon for the respondents in No. 81.

Adjourned until Monday, December 16, next, at 12 o'clock.

The day call for Monday, December 16, will be as follows: Nos. 81 (and 82), 83, 88, 55 (and 76), 80, 79, 93, 206, 85, and 87.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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John H. Morse, of New York, N. Y.; David V. Easton, of New York, N. Y.; Hugh Lynch, Jr., of Washington, D. C.; D. Clyde Jones, of Rochester, N. Y.; Leo M. Alpert, of Baltimore, Md.; Arthur W. Janklow, of Chicago, Ill.; Alfred C. Cordon, of Pocatello, Idaho; Keith Lorenz, of New York, N. Y.; and L. Dan Jones, of Chickasha, Okla., were admitted to practice.

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No. 48. Walter J. Rothensies, Individually and as United States Collector of Internal Revenue for the First District of Pennsylvania, petitioner, *v.* The Electric Storage Battery Company, a Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs and case remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting: Mr. Justice Black, Mr. Justice Murphy and Mr. Justice Rutledge.

No. 3. Almira G. Freeman, Successor Trustee Under the Will and of the Estate of Henry C. Starr, Deceased, appellant, *v.* Gilbert K. Hewit, Director of Gross Income Tax Division, Department of Treasury, State of Indiana. Appeal from the Supreme Court of the State of Indiana. Judgment reversed with costs and case remanded for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting: Mr. Justice Black. Concurring opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Murphy concurs.

No. 54. The United States of America, petitioner, *v.* Joseph Ruzicka and Charles Ruzicka, Individually, and as Co-Partners Trading as Seeley Dairy. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Douglas concurs in the result.

The Chief Justice announced the following orders of the Court:

**No. 369.** The Sioux Tribe of Indians, petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims. *Per curiam:* The order entered October 28, 1946, dismissing the petition for certiorari is vacated on motion of counsel for the petitioner. The petition for writ of certiorari is granted. The judgment is vacated and the case is remanded to the Court of Claims in order to enable that court to determine whether the Act of August 13, 1946, gives rise to any claims which petitioner may assert to affect the judgment heretofore entered in this cause, as to which this Court means to intimate no opinion.

**No. 389.** Arthur C. McLaren, petitioner, *v.* Walter G. Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois. *Per curiam:* The motion for leave to proceed *in forma pauperis* is granted. On suggestion of the Attorney General of Illinois, the petition for writ of certiorari is granted; the judgment is vacated and the case is remanded for further proceedings.

**No. 454.** Joseph B. Fleming and Aaron Colnon, Trustees of the Chicago, Rock Island and Pacific Railway Company, et al., petitioners, *v.* John C. Traphagen et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. *Per curiam:* The petition for writ of certiorari is granted and the judgment is reversed on the authority of Vanston and Vanhorn Bondholders Protective Committees *v.* Green and others, Nos. 42 to 45, decided December 9, 1946.

**No. 571.** Schine Chain Theatres, Inc., et al., appellants, *v.* The United States of America. Appeal from the District Court of the United States for the Western District of New York. *Per curiam:* The motion to dismiss is granted and the appeal is dismissed for want of a final judgment.

**No. 572.** Schine Chain Theatres, Inc., et al., appellants; *v.* The United States of America. Appeal from the District Court of the United States for the Western District of New York. *Per curiam:* The appeal is dismissed for failure to comply with Rule 12 of the Rules of this Court.

**No. 264.** Teodoro Cantos, Also Known as Teodoro Tatishi, petitioner, *v.* Lieutenant General Wilhelm D. Styer, Commanding General, United States Army Forces. On writ of certiorari to the Supreme Court of the Philippines. *Per curiam:* The writ of certiorari in this case is dismissed for the reason that the case is moot.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 145. Mariano Uyeki, petitioner, *v.* Lieutenant General Wilhelm D. Styer, Commanding General, United States Army Forces, Western Pacific. The stay order entered herein on June 10, last, is vacated except insofar as it stays execution of the sentence of death.

No. 41, Misc. Ex parte Joseph R. White, petitioner; and

No. 77, Misc. Ex parte Albert R. House, petitioner. The motions for leave to file petitions for writs of certiorari are denied.

No. 74, Misc. Wallace Phillips, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 75, Misc. Ex parte Alvin Miller, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 76, Misc. Ex parte Oliver Gobin, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 10, Original. The United States of America, complainant, *v.* The State of Wyoming and The Ohio Oil Company. This case is assigned for argument on Monday, March 3, 1947, on the exceptions and objections to the report of the Special Master.

No. 80. Jack Parker, Isidor M. Saks, Melvin Caplan, et al., petitioners, *v.* Paul A. Porter, Price Administrator;

No. 431. Alfred Testa and Paul A. Porter, Administrator, Office of Price Administration, petitioners, *v.* Harry Katt;

No. 483. Thomas A. Murray, petitioner, *v.* Paul A. Porter, Administrator, Office of Price Administration;

No. 512. James G. Raley and Thomas E. Raley, Trading as Raley's Food Store, petitioners, *v.* Paul A. Porter, Administrator of the Office of Price Administration;

No. 526. 315 West 97th Street Realty Co., Inc., et al., petitioners, *v.* Paul A. Porter, Price Administrator;

No. 583. Paul A. Porter, Administrator, Office of Price Administration, petitioner, *v.* Mohawk Wrecking and Lumber Company, a Partnership, and Harry Smith;

No. 682. Paul A. Porter, Administrator, Office of Price Administration, appellant, *v.* Dusty Rhodes, Sheriff, Tarrant County, Texas, et al.; and

No. 694. Anna M. Victor and Edward H. Green, as Trustees Under the Will of Royall Victor, Deceased, petitioners, *v.* Paul A. Porter, Price Administrator. On motion of the Solicitor General it is ordered that Philip B. Fleming, Temporary Controls Administrator, be substituted as a party in these cases in the place and stead of Paul A. Porter, Administrator, Office of Price Administration, resigned.

No. 711. The United States of America, appellant, *v.* United States Gypsum Company et al. In this case probable jurisdiction is noted.

No. 718. The United States of America, appellant, *v.* Michael Walsh, an Individual Trading as Kelp Laboratories. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 63, Misc. Ex parte The Denver and Rio Grande Western Railroad Company Committees and Trustees. The motion for leave to file petition for writs of mandamus and prohibition is denied.

No. 690. Insurance Group Committee, Reorganization Committee, Guaranty Trust Company of New York, Trustee, et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al. The petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit is granted and the case is assigned for argument on Monday, January 6, 1947.

No. 673. Carter H. Harrison, Individually and as Collector of Internal Revenue, petitioner, *v.* Greyvan Lines, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and case transferred to the summary docket and assigned for argument immediately following No. 312.

No. 781. United Mine Workers of America, an Unincorporated Association, petitioner, *v.* The United States of America; and

No. 782. John L. Lewis, Individually and as President of the United Mine Workers of America, petitioner, *v.* The United States of America. The petition for writs of certiorari to the United States Court of Appeals for the District of Columbia is granted and the cases are consolidated with Nos. 759 and 760.

No. 674. Commissioner of Internal Revenue, petitioner, *v.* Sidney S. Munter; and

No. 675. Commissioner of Internal Revenue, petitioner, *v.* Carl Munter. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 680. Champion Spark Plug Company, petitioner, *v.* Peter Sanders et al., Doing Business as The Perfect Recondition Spark Plug Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 405. Marvin Gayes, petitioner, *v.* The State of New York. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the County Court of Monroe County, State of New York, is also granted. It is ordered that Herbert Wechsler, Esquire, of New York City, a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 355. W. O. Browne, E. W. Negley, M. J. Dobson, et al., petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 433. Cecil Wells, petitioner, *v.* Commonwealth of Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 660. Union Producing Company, petitioner, *v.* Minnie E. White et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 672. Soewapadji and 218 Alien Indonesian Seamen Similarly Situated, petitioners, *v.* I. F. Wixon, as Custodian of Petitioners in the United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 676. The General Industries Company, petitioner, *v.* 20 Wacker Drive Building Corporation et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 679. Market Street Railway Company, petitioner, *v.* Railroad Commission of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 689. Freeman J. Thomson, Administrator of the Estate of Arthur W. Thomson, Deceased, petitioner, *v.* Caroline Thomson. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. —. In the Matter of the Disbarment of H. Eugene Gardner. It having been reported to the Court that H. Eugene Gardner, of Glenside, Commonwealth of Pennsylvania, has been disbarred from the practice of the law by the Supreme Court of the Commonwealth of Pennsylvania, and this Court by order of May 6, 1946, having suspended the said H. Eugene Gardner from the practice of the law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred; and it appearing that the said rule was duly issued and served upon the respondent, who has filed a return thereto; now, upon consideration of the rule to show cause and the return aforesaid; It is ordered that the said H. Eugene Gardner be, and he is hereby, disbarred, and that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. 124. H. Eugene Gardner, petitioner, *v.* Montgomery Bar Association. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania is denied.

No. 695. Walter G. Hill, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari of the Criminal Court of Cook County, State of Illinois;

No. 723. Joseph Henderson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 727. Bruno Austin, Alex Shapiro, Morris Jacobs, and David Sinnenberg, petitioners, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 728. Ivan Grover Hyde, petitioner, *v.* Ben B. Stewart, Acting Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 736. Earl Davis, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 737. James Congdon, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Winnebago County, State of Illinois; and

No. 738. Sam Miner, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 58, Misc. Ex parte Bernard M. Shotkin, petitioner;

No. 12. Heber Kimball Cleveland, petitioner, *v.* United States;

No. 13. Heber Kimball Cleveland, petitioner, *v.* United States;

No. 14. Heber Kimball Cleveland, petitioner, *v.* United States;

No. 15. David Brigham Darger, petitioner, *v.* United States;

No. 16. Vergel Y. Jessop, petitioner, *v.* United States;

No. 17. Theral Ray Dockstader, petitioner, *v.* United States;

No. 18. L. R. Stubbs, petitioner, *v.* United States; and

No. 19. Follis Gardner Petty, petitioner, *v.* United States;

No. 21. Champlin Refining Company, appellant, *v.* United States and Interstate Commerce Commission;

No. 534. Louis Dabney Smith, petitioner, *v.* United States;

No. 536. Charles A. Koza, John A. Anderson, and Invincible Tool Co., Inc., petitioners, *v.* Charles Drexler and Charles Drexler Co., Inc.;

No. 566. William Howard Taft Jones, petitioner, *v.* The State of Texas;

No. 590. F. A. Gillespie and Sons Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 591. F. A. Gillespie and Sons Company, petitioner, *v.* Commissioner of Internal Revenue. The petitions for rehearing are denied.

No. 476. Illinois Packing Company, a Corporation, petitioner, *v.* Charles B. Henderson, Individually and as Acting Administrator of the Office of Federal Loan Administrator, etc., et al. The petition for rehearing is denied. The Chief Justice took no part in the consideration or decision of this application.

The Court will take a recess from Monday, December 23, until Monday, January 6, 1947.

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No. 81. Securities and Exchange Commission, petitioner, *v.* Chenery Corporation et al.; and

No. 82. Securities and Exchange Commission, petitioner, *v.* Federal Water and Gas Corporation. Argument continued by Mr. Spencer Gordon for the respondent in No. 81, by Mr. Allen S. Hubbard for the respondent in No. 82, and concluded by Mr. Roger S. Foster for the petitioner.

No. 83. Independent Warehouses, Inc., Pennsylvania Coal Company, et al., appellants, *v.* William Scheele, Recorder of the Township of Saddle River and the Township of Saddle River. Argued by Mr. Duane E. Minard for the appellants and by Mr. Harry Lane and Mr. Ralph W. Chandless for the appellees.

No. 88. Helene A. Jesionowski, Administratrix, petitioner, *v.* Boston & Maine Railroad. Argued by Mr. Thomas C. O'Brien for the petitioner and by Mr. Francis P. Garland for the respondent.

No. 55. Bethlehem Steel Company et al., appellants, *v.* New York State Labor Relations Board; and

No. 76. The Allegheny Ludlum Steel Corporation, appellant, *v.* William J. Kelley and H. Myron Lewis, Constituting the State Labor Relations Board of the State of New York. Argument commenced by Mr. Bruce Bromley for the appellants in No. 55.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 17, will be as follows: Nos. 55 (and 76), 80, 79, 93, 206, 85, 87, 92, 106, and 94 (and 96).

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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C. Floyd Huff, Jr., of Hot Springs, Ark.; Q. Byrum Hurst, of Hot Springs, Ark.; John J. Faust, of Saint Louis, Mo.; Katherine Hardwick Johnson, of Chicago, Ill.; Harry Arthur Greenberg, of Philadelphia, Pa.; Maurice A. Granatoor, of Philadelphia, Pa.; Cecil C. Wilson, of Glasgow, Ky.; Elton M. Hyder, Jr., of Fort Worth, Tex.; Stuart Northall Updike, of New York, N. Y.; Albert Dudley McCollum, of Milan, Tenn.; Robert Richard Jorgensen, of Glen Ellyn, Ill.; Frank William Cerny, of Washington, D. C.; Lauren Lewis, of Washington, D. C.; Sylvia U. Siegel, of Mount Vernon, N. Y.; Sidney Roffman, of New York, N. Y.; and Harry Carroll, of New York, N. Y., were admitted to practice.

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No. 55. Bethlehem Steel Company et al., appellants, *v.* New York State Labor Relations Board; and

No. 76. The Allegheny Ludlum Steel Corporation, appellant, *v.* William J. Kelley and H. Myron Lewis, Constituting the State Labor Relations Board of the State of New York. Argument continued by Mr. Bruce Bromley for the appellants in No. 55; by Mr. John G. Buchanan for the appellant in No. 76; by Mr. Robert L. Stern for the United States, as *amicus curiae*, by special leave of Court; by Mr. William E. Grady for the appellees; and concluded by Mr. John G. Buchanan for the appellant in No. 76.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 18, will be as follows: Nos. 80, 79, 93, 206, 85, 87, 92, 106, 94 (and 96), and 97 (and 98).

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Herbert Elliott Ost, of New York, N. Y.; Philip J. Schneider, of Cincinnati, Ohio; Max L. Feinberg, of Chicago, Ill.; and Jules J. Lubasch, of New York, N. Y., were admitted to practice.

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No. 677. Morris H. Senderowitz et al., Individually and as Co-Partners Trading as Royal Manufacturing Company, petitioners, *v.* Paul A. Porter, Administrator of the Office of Price Administration; and

No. 678. Morris H. Senderowitz et al., Individually and as Co-Partners Trading as Royal Manufacturing Company, petitioners, *v.* Paul A. Porter, Administrator of the Office of Price Administration. On motion of the Acting Solicitor General it is ordered that Philip B. Fleming, Temporary Controls Administrator, be substituted as the party respondent in these cases in the place and stead of Paul A. Porter, Administrator, Office of Price Administration, resigned.

No. 80. Jack Parker, Isidor M. Saks, Melvin Caplan, et al., petitioners, *v.* Philip B. Fleming, Temporary Controls Administrator. Argued by Mr. Alexander Pfeiffer for the petitioners and by Mr. Carl A. Auerbach for the respondent.

No. 79. Leo H. Steele, petitioner, *v.* General Mills, Inc. Argued by Mr. Cecil A. Morgan for the petitioner; by Mr. Elton M. Hyder, Jr., for the State of Texas, as *amicus curiae* by special leave of Court; and by Mr. Alfred McKnight for the respondent.

No. 93. Gulf Oil Corporation, petitioner, *v.* Cornelius Gilbert, Doing Business Under the Firm Name and Style of Gilbert Storage & Transfer Company. Argument commenced by Mr. Archie D. Gray for the petitioner, and continued by Mr. Max J. Gwertzman for the respondent and by Mr. Bernard A. Golding for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 19, will be as follows: Nos. 93, 206, 85, 87, 92, 106, 94 (and 96), 97 (and 98), and 141.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Edward L. Coffey, of New York, N. Y.; Milton B. Conford, of Newark, N. J.; Irving Sweet, of New York, N. Y.; Joseph C. Glavin, of Jersey City, N. J.; Charles Jonathan Whiting, of Winthrop, Maine; Jasper S. Costa, of New York, N. Y.; Malcolm C. Sherman, of Scituate, Mass.; Henry G. Sandifer, of Danville, Ky.; and E. Hood Wilkerson, of Eustis, Fla., were admitted to practice.

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No. 93. Gulf Oil Corporation, petitioner, *v.* Cornelius Gilbert, Doing Business Under the Firm Name and Style of Gilbert Storage & Transfer Company. Argument concluded by Mr. Bernard A. Golding for the petitioner.

No. 206. Eugene Koster, petitioner, *v.* (American) Lumbermens Mutual Casualty Company. Argued by Mr. Julius Levy for the petitioner and by Mr. Stuart N. Updike for the respondent.

No. 85. The Trailmobile Company and International Union, United Automobile, Aircraft, and Agricultural Workers of America, U. A. W.-C. I. O. Local No. 392, petitioners, *v.* Lawrence Whirls. Argued by Mr. Philip J. Schneider for the petitioner, The Trailmobile Company; by Mr. Sol Goodman and Mr. Ernest Goodman for International Union, U. A. W.-C. I. O., etc.; and by Mr. Frederick Bernays Wiener for the respondent.

No. 87. A. M. Anderson, Receiver of National Bank of Kentucky, Louisville, Kentucky, petitioner, *v.* Irvin Yungkau, Executor of the Estate of Albert Yungkau, Deceased, et al. Argument commenced by Mr. Robert S. Marx for the petitioner.

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No. —. Joseph D. Medley, petitioner, *v.* Curtis Reid, Superintendent, Washington Asylum and Jail; and

No. —. William Copeland, petitioner, *v.* Curtis Reid, Superintendent, Washington Asylum and Jail. The motions for stay of execution are denied. Treating the papers as applications for writs of certiorari, certiorari is denied.

No. —. Ex parte Julius Fisher, petitioner. The application for a stay of execution is denied.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 20, will be as follows: Nos. 87, 92, 106, and 94 (and 96).

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Eugene Eisenmann, of New York, N. Y.; Albert L. Solodar, of New York, N. Y.; Samuel M. Coombs, Jr., of Jersey City, N. J.; Morris J. Pollack, of Pittsburgh, Pa.; James Lamar Flemister, of Atlanta, Ga.; James F. Masterson, of Philadelphia, Pa.; and Frank M. Harris, of Saint Petersburg, Fla., were admitted to practice.

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The Chief Justice announced that the Court would take a recess in order to consider an application for a stay of execution.

The Court reconvened.

No.—. Joseph D. Medley, petitioner, *v.* The United States of America. Motion for stay of execution denied.

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No. 87. A. M. Anderson, Receiver of National Bank of Kentucky, Louisville, Kentucky, petitioner, *v.* Irvin Yungkau, Executor of the Estate of Albert Yungkau, Deceased, et al. Argument continued by Mr. LeWright Browning for the respondents and concluded by Mr. Robert S. Marx for the petitioner.

No. 92. Walter P. Gardner, Trustee of the Central Railroad Company of New Jersey, petitioner, *v.* The State of New Jersey. Argued by Mr. James D. Carpenter, Jr., for the petitioner and by Mr. Benjamin C. Van Tine for the respondent.

No. 106. The United States, petitioner, *v.* The Thayer-West Point Hotel Company. Argued by Mr. Oscar H. Davis for the petitioner and by Mr. E. J. Ellenwood for the respondent.

Adjourned until Monday, December 23, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Peyton Ford, of Oklahoma City, Okla.; John A. Skiles, of Lincoln, Nebr.; Louis Kravis, of Atlantic City, N. J.; William Amory Underhill, of De Land, Fla.; Edward A. Foote, of Washington, D. C.; Philip Schleit, of Syracuse, N. Y.; William B. Neeley, of Glendale, Calif.; Saul Ross, of Los Angeles, Calif.; Maxey B. Harlin, Jr., of Bowling Green, Ky.; and Carl Bassett, Jr., of Baltimore, Md., were admitted to practice.

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No. 23. Taze Hamrick Gibson, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit; and

No. 86. George William Dodez, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgments reversed. Case No. 23 is remanded to the District Court of the United States for the District of South Dakota and case No. 86 is remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge.

No. 35. People of the State of Illinois *ex rel.* Robert L. Gordon, Director of Labor, petitioner, *v.* Nigel D. Campbell, Collector of Internal Revenue. On writ of certiorari to the Supreme Court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Jackson joins.

No. 53. The United States of America, petitioner, *v.* Paul Davis Sheridan. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge. Dissenting: The Chief Justice and Mr. Justice Douglas.

No. 60. National Labor Relations Board, petitioner, *v.* A. J. Tower Company. On writ of certiorari to the United States Circuit Court

of Appeals for the First Circuit. Judgment reversed and case remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Mr. Justice Frankfurter concurs in the result. Dissenting opinion by Mr. Justice Jackson.

No. 59. Major General W. W. Eagles, Post Commanding Officer, Fort Dix, New Jersey, petitioner, *v.* United States ex rel. Jacob S. Samuels. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the District Court of the United States for the District of New Jersey for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 58. Major General W. W. Eagles, Post Commanding Officer, Fort Dix, New Jersey, petitioner, *v.* United States ex rel. Harry Horowitz. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the District Court of the United States for the District of New Jersey for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

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The Chief Justice said:

"For seventy-five years the opinions of this Court have been printed by Pearson's Printing Office. Mr. Clarence E. Bright entered that establishment in his youth nearly fifty-six years ago. Later he acquired ownership of the business which he continuously has managed for over forty years in a manner of helpfulness far beyond contractual obligation.

"For more than a half-century Mr. Bright has served the Court with complete fidelity, bringing to his important and confidential work the advantages of unique skill and ability. At times the demands, both in volume of the work and for speed in dispatching it, exceeded what might be expected or required of a much larger establishment. But under the greatest pressures his resources invariably were equal to what was asked. He met these pressures not only with extraordinary efficiency but always with patience and courtesy. What is equally remarkable, not once in his long service was there suggestion that by carelessness or otherwise the large confidence imposed in him had not been strictly observed. His name belongs in the roll of those who have given themselves through long years to the service of the Court with absolute devotion to its interests.

"The Court desires to record its appreciation of Mr. Bright's efficiency and loyalty and to acknowledge the effective contribution of his

aid in its work. We trust that in his retirement from active service he will find renewed vigor of health and the abiding satisfaction which comes from the consciousness of arduous duties performed to the complete satisfaction of those he served so well.

"The Clerk is directed to record these remarks and to transmit a copy thereof to Mr. Bright."

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *St. Louis-San Francisco Railway Company, petitioner, v. John W. Stedman et al.* The application for a stay is denied.

No. 12, Original. *The United States of America, complainant, v. The State of California.* The motion of Robert E. Lee Jordan for leave to intervene is denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 80, Misc. *Ex parte George S. Miller, petitioner.* The motion for leave to file petition for writ of habeas corpus is denied.

No. 78, Misc. *Ex parte Arthur C. Hicks, petitioner; and*

No. 81, Misc. *Ex parte Lester Pressley, petitioner.* The motions for leave to file petitions for writs of certiorari are denied.

No. 176. *Bernard M. Shotkin, petitioner, v. Judges Superior Court, Atlanta Circuit.* The motion for oral argument is denied.

No. 745. *Central Greyhound Lines, Inc., of New York, appellant, v. Carroll E. Mealey et al., Constituting the State Tax Commission of the State of New York.* Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits. The case is transferred to the summary docket.

No. 418. *National Labor Relations Board, petitioner, v. Jones & Laughlin Steel Corporation.* On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit; and

No. 419. *National Labor Relations Board, petitioner, v. E. C. Atkins and Company.* On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. The petition for writs of certiorari in these cases is granted.

No. 811. *United Mine Workers of America, an Unincorporated Association, and John L. Lewis, Individually and as President of the United Mine Workers of America, petitioners, v. United States of America.* The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is granted and the case is consolidated with Nos. 759, 760, 781, and 782.

No. 252. J. D. Johnson, petitioner, *v.* Bruce Graham, Trustee of Greene County, Tennessee, Greene County, Tennessee, et al. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 538. Herman Berman, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 637. Walter McDonald, petitioner, *v.* James A. Johnston, Warden, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 696. The First National Bank of Chicago, Trustee Under the Last Will and Testament of Otto Young, Deceased, etc., et al., petitioners, *v.* Margaret deKorwin, Individually and as Executrix of the Will of Joseph Maria deKorwin, Deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 697. Fort Howard Paper Company, Dennison Manufacturing Company, et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 705. Kenneth Tressler, petitioner, *v.* Ada A. Tressler et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 708. Clark & Clark, Charles L. Morris, and Robert Brinton Morris, Trading as Professional Laboratories, petitioners, *v.* Smith, Kline & French Laboratories. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 597. H. Dulany Mitchell, petitioner, *v.* Hon. Colin Neblett, Judge, United States District Court for the District of New Mexico. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 693. James Steele, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court, Westchester County, State of New York;

No. 706. George Small, petitioner, *v.* Walter B. Martin, Warden, etc. On petition for writ of certiorari to the Supreme Court, Kings County, State of New York;

No. 726. Frank Canizio, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Kings County, State of New York;

No. 749. Sam Miner, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 750. Harold Witt, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 751. Joe Binkowski, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 752. John Sheets, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 753. Richard C. Kretchmer, petitioner, *v.* State of Indiana. On petition for writ of certiorari to the Supreme Court of Indiana;

No. 756. Riley Simmons, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Williamson County, State of Illinois;

No. 762. Harry D. Gordon, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 769. Robert Cage and Edward Smith, petitioners, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 772. Henry Robinson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 773. Roman Piskorz, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 774. Roy Joseph Heskett, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Courts of Winnebago and Will Counties, State of Illinois;

No. 775. Vivid J. Deadwyler, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Winnebago County, State of Illinois; and

No. 776. Edward Poppe, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 342. Daniel Birmeli Dingman, petitioner, *v.* The United States of America;

No. 502. People of the State of New York ex rel. Paul Lutz, petitioner, *v.* Walter B. Martin, M. D., as Warden, etc.; and

No. 676. The General Industries Company, petitioner, *v.* 20 Wacker Drive Building Corporation et al. The petitions for rehearing are denied.

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Adjourned until Monday, January 6, next, at 12 o'clock.

The day call for Monday, January 6, 1947, will be as follows: Nos. 140, 690, 97 (and 98), 229, 190, 208, 148 (and 149, 150, 151, and 155), 94 (and 96), 241, and 658.

SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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George Joseph Moran, of Waterbury, Conn.; D. M. Raulston, of Chattanooga, Tenn.; Ernest Homer Miller, of San Francisco, Calif.; Joseph M. Picker, of Milwaukee, Wis.; and Harvey H. Sverdlin, of Milwaukee, Wis., were admitted to practice.

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No. 66. Board of Governors of the Federal Reserve System et al., petitioners, *v.* John Agnew, F. O. Fayerweather. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed with costs and case remanded to the District Court of the United States for the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Rutledge in which Mr. Justice Frankfurter joins.

No. 70. Edward Katzinger Company, petitioner, *v.* Chicago Metallic Mfg. Company; and

No. 71. Edward Katzinger Company, petitioner, *v.* Chicago Metallic Mfg. Company. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments affirmed with costs and cases remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Reed, Mr. Justice Jackson, and Mr. Justice Burton concur.

No. 28. Alpine MacGregor, petitioner, *v.* Westinghouse Electric & Manufacturing Company. On writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania. Judgment reversed with costs and case remanded to the Supreme Court of Pennsylvania for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Reed, Mr. Justice Jackson, and Mr. Justice Burton concur.

No. 75. International Harvester Company, appellant, *v.* Tax Commissioner of Ohio. Appeal from the Supreme Court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Rutledge.

No. 61. The United States of America and Interstate Commerce Commission, appellants, *v.* Seatrain Lines, Inc. Appeal from the District Court of the United States for the District of Delaware. Decree affirmed. Opinion by Mr. Justice Black. Mr. Justice Rutledge concurs in the result.

No. 79. Leo H. Steele, petitioner, *v.* General Mills, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment of the Circuit Court of Appeals reversed with costs. Judgment of the District Court of the United States for the Northern District of Texas affirmed and case remanded to said District Court. Opinion by Mr. Justice Black.

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The Chief Justice announced the following orders of the Court:

No. 145. Mariano Uyeki, petitioner, *v.* Lieutenant General Wilhelm D. Styer, Commanding General, United States Army Forces, Western Pacific. On petition for writ of certiorari to the Supreme Court of the Philippines. *Per curiam*: The writ of certiorari in this case is dismissed for the reason that the case is moot.

No. 780. The Chronicle & Gazette Publishing Co., Inc., appellant, *v.* The Attorney General of the State of New Hampshire et al. Appeal from the Supreme Court of New Hampshire. *Per curiam*: The motion to dismiss is granted, and the appeal is dismissed for the want of a substantial federal question. (1) *Nebbia v. New York*, 291 U. S. 502; *Olsen v. Nebraska*, 313 U. S. 236. (2) *Associated Press v. National Labor Relations Board*, 301 U. S. 103; *Associated Press v. United States*, 326 U. S. 1. Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge are of the opinion that probable jurisdiction should be noted.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 82, Misc. Ex parte Ward M. Blanton, petitioner;

No. 84, Misc. Ex parte Vergil D. McMillan, petitioner; and

No. 86, Misc. Ex parte Fred Wallace Bantz, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 85, Misc. Ex parte Dexter G. Dayton, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 83, Misc. Ex parte Dorsey McMahan, petitioner. The motion for an injunction is denied.

No. 87, Misc. Ex parte Sam Buford, petitioner; and

No. 89, Misc. Ex parte E. B. Schaffer, petitioner. The applications are denied.

No. 88, Misc. Ex parte William Watkins, petitioner. The motion for leave to file petition for certiorari is denied.

No. 241. Conway C. Craig, Bob McCracken, and Tom Mulvany, petitioners, *v.* John B. Harney, Sheriff of Nueces County, Texas. The motion for leave to file brief of American Newspaper Publishers Association as *amicus curiae* is granted.

No. 583. Philip B. Fleming, Temporary Controls Administrator, petitioner, *v.* Mohawk Wrecking and Lumber Company, a Partnership, and Harry Smith. Further consideration of the motion to vacate the order of December 16 substituting Fleming for Porter is postponed to the hearing of the case on the merits.

No. 626. James E. Markham, Alien Property Custodian, petitioner, *v.* Alvina Allen, Gertrude Dinwiddie, Hilda Pigozzi, et al. The motion to substitute Tom C. Clark, Attorney General, as successor to the Alien Property Custodian, as the party petitioner herein, is granted.

No. 658. Packard Motor Car Company, petitioner, *v.* National Labor Relations Board. The motion for leave to appear and present oral argument on behalf of Carnegie-Illinois Steel Corporation and others as *amici curiae* is denied.

No. 731. Roy Bartels et al. and Justin Conlon, d. b. a. Crystal Ballroom, petitioners, *v.* E. H. Birmingham, Individually and as Collector of Internal Revenue for the State of Iowa, et al.; and

No. 732. Larry V. Geer and Margaret Geer, d. b. a. Larry Geer Ballrooms, petitioners, *v.* E. H. Birmingham, Individually and as Collector of Internal Revenue for the State of Iowa. The petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit is granted.

No. 288. Sid W. Richardson et al., petitioners, *v.* Keith Kelly, Receiver. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 525. Amos Cotney, petitioner, *v.* The State of Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 700. Borg-Warner Corporation and David E. Gamble, petitioners, *v.* George I. Goodwin and John F. Daukus. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 702. Marion F. Johnson, petitioner, *v.* The State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 710. Edward Schwarz, Jeremiah Lott, Joseph K. Brown, et al., petitioners, *v.* Township Committee of Maplewood, New Jersey, et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 712. Harry Cassman, as Receiver of St. Charles Hotel Company, etc., petitioner, *v.* Abraham Kurzrock et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 719. Spokane Portland Cement Company et al., Executors of the Estate of W. N. Bennett, Deceased, petitioners, *v.* Chester W. Swanson et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 721. Raymond N. Sabourin, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 730. L. W. Reigel, petitioner, *v.* George M. Harrison, Individually and as Grand President of the Grand Lodge of the Brotherhood of Railway and Steamship Clerks, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 734. Baker Castor Oil Company, petitioner, *v.* Insurance Company of North America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 740. The Foxboro Company, petitioner, *v.* Taylor Instrument Companies. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 526. 315 West 97th Street Realty Co., Inc., et al., petitioners, *v.* Philip B. Fleming, Temporary Controls Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 653. Northwestern Mutual Life Insurance Company, petitioner, *v.* T. E. Suttles, as Tax Collector of Fulton County, Georgia, et al. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 694. Anna M. Victor and Edward H. Green, as Trustees Under the Will of Royall Victor, Deceased, petitioners, *v.* Philip B. Fleming, Temporary Controls Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 699. J. W. Swent and Ursula L. Swent (Husband and Wife), petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 722. Mildred McDonald, Now Mildred Muck, petitioner, *v.* Bernard G. Shepherd. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 729. James W. Beach, Executor Under the Will of Harry L. Beach, Deceased, petitioner, *v.* Harry F. Busey, Collector of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 733. Interstate Natural Gas Company, Incorporated, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 596. Cecil L. Wright, petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz, California; and

No. 44, Misc. Cecil L. Wright, petitioner, *v.* James A. Johnston, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. The motion for leave to file petition for writ of habeas corpus is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is denied.

No. 743. The Lincoln National Bank of Washington et al., Executors of the Estate of Michael E. Buckley, petitioners, *v.* Karl Kindleberger, Administrator of the Estate of Julia C. Buckley. The motion for leave to file brief of Life Insurance Association of America and National Association of Life Underwriters as *amici curiae* is granted. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied.

No. 159. George Ross, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 180. Livingston Taylor, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 258. Stanley Raymond, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 277. Ralph Barton Butz, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 415. Fred Singer, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 447. Richard Bennett, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County and Circuit Court of Will County, State of Illinois;

No. 611. August Faucetta, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Nassau County, State of New York;

No. 704. John R. Johnson, petitioner, *v.* Nathan Mayo, as State Prison Custodian. On petition for writ of certiorari to the Supreme Court of Florida;

No. 707. Dewey Wallace McMurtrey, petitioner, *v.* Honorable Tom C. Clark. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 720. Robert Brown, petitioner, *v.* Gerald F. Bush, Warden, etc. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 757. Elmer Davis, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 783. Joseph Scarpinato, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 784. Sylvester Lewis, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 785. William M. Evans, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 795. Walker Kimler, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 796. Robert Holland, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 797. Renzo Taylor, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 798. George Reed, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 799. John Brill, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 397. Robert Nichols Clarke, petitioner, *v.* Joseph W. Sanford, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit dismissed on motion of the petitioner.

No. 50, Misc. Ex parte Robert Nichols Clarke, petitioner. Leave granted to withdraw the motion for leave to file petition for writ of habeas corpus on motion of the petitioner.

No. 657. Louise Peete, petitioner, *v.* The People of the State of California; and

No. 693. James Steele, petitioner, *v.* The People of the State of New York. The petitions for rehearing are denied.

No. 334. Frank Stuart Fowler, petitioner, *v.* Howard B. Gill, General Superintendent, D. C. Penal Institutions. The application for a rule to show cause and the motion to substitute Donald Clammer for Howard B. Gill as the party respondent are denied. The petition for rehearing is also denied.

No. 556. Cities Service Gas Company, petitioner, *v.* Federal Power Commission, Public Service Commission of the State of Missouri, et al. The motions of American Petroleum Institute, Independent Petroleum Association of America, Independent Natural Gas Association of America, and Mid-Continent Oil & Gas Association for leave to file briefs as *amici curiae* are granted. The petition for rehearing is denied.

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The following order was adopted by the Supreme Court on December 27, 1946:

ORDER

Ordered:

1. That subdivisions (a) and (b) of Rule 80 of the Rules of Civil Procedure, be, and they hereby are, abrogated.

2. That Rules 6, 7, 12, 13, 14, 17, 24, 26, 27, 28, 33, 34, 36, 41, 45, 52, 54, 56, 58, 59, 60, 62, 65, 66, 68, 73, 75, 77, 79, 81, 84, and 86 of the Rules of Civil Procedure and Forms Nos. 17, 20, 22, and 25, be and they hereby are amended as hereinafter set forth.

3. That the Chief Justice be authorized to transmit these amendments to the Attorney General with the request that he report them to the Congress at the beginning of the regular session in January 1947.

Mr. Justice Frankfurter joins in approval of the proposed amendments essentially because of his confidence in the informed judgment of the Advisory Committee on Rules of Civil Procedure.

(Here follow amendments of Rules of Civil Procedure.)

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No. 140. Rene De Meerleer, petitioner, *v.* The People of the State of Michigan. Argued by Mr. David W. Louisell for the petitioner and by Mr. Edmund E. Shepherd for the respondent.

No. 690. Insurance Group Committee, Reorganization Committee, Guaranty Trust Company of New York, Trustee, et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al. Argued by Mr. George D. Gibson and Mr. Kenneth F. Burgess for the petitioners, and by Mr. Frank C. Nicodemus, Jr., and Mr. William V. Hodges for the respondents.

No. 97. Julius A. Krug, Secretary of the Interior, et al., petitioners, *v.* Santa Fe Pacific Railroad Company; and

No. 98. Julius A. Krug, Secretary of the Interior, et al., petitioners, *v.* Santa Fe Pacific Railroad Company. Argument commenced by Mr. Frederick Bernays Wiener for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 7, will be as follows: Nos. 97 (and 98), 229, 190, 208, 148 (and 149, 150, 151, and 155), 94 (and 96), 241, 658, 209, and 287.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Richmond C. Coburn, of Saint Louis, Mo.; Arthur O. Jones, of Washington, D. C.; Allan L. Kamerow, of Washington, D. C.; Robert O. Campbell, of Bath, N. Y.; and Richard Coblentz, of San Francisco, Calif., were admitted to practice.

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No. 97. Julius A. Krug, Secretary of the Interior, et al., petitioners, *v. Santa Fe Pacific Railroad Company*; and

No. 98. Julius A. Krug, Secretary of the Interior, et al., petitioners, *v. Santa Fe Pacific Railroad Company*. Argument continued by Mr. Frederick Bernays Wiener for the petitioners, by Mr. Lawrence H. Calkins for the respondent, and concluded by Mr. Frederick Bernays Wiener for the petitioners.

No. 229. Robert P. Patterson, Secretary of War, et al., petitioners, *v. James John Lamb*. Argued by Mr. Frederick Bernays Wiener for the petitioners and by Mr. Roger Robb for the respondent.

No. 190. Zachary Bozza, petitioner, *v. The United States of America*. Argued by Mr. W. Marvin Smith for the respondent and submitted by Mr. Harold Simandl for the petitioner.

No. 208. Transparent-Wrap Machine Corporation, petitioner, *v. Stokes & Smith Company*. Argument commenced by Mr. R. Morton Adams for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 8, will be as follows: Nos. 208, 148 (149, 150, 151, and 155), 94 (and 96), 241, 658, 209, 287, 265, 56 (and 57), and 400.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Alexander J. Resa, of Chicago, Ill.; Lawrence T. Phelan, of Philadelphia, Pa.; Claude Elbert Goodwin, of Ripley, W. Va.; John H. Midlen, of Washington, D. C.; Jerry D'Unger, of Corpus Christi, Tex.; Geo. O. Sutton, of Washington, D. C.; George MacClain, of Seattle, Wash.; and Samuel Shapiro, of New York, N. Y., were admitted to practice.

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No. 208. Transparent-Wrap Machine Corporation, petitioner, *v.* Stokes & Smith Company. Argument continued by Mr. Morton Adams for the petitioner and concluded by Mr. Samuel E. Darby, Jr., for the respondent.

No. 148. Edgar S. Albrecht and Geraldine Albrecht, His Wife, et al., petitioners, *v.* The United States of America;

No. 149. Edward J. Linnenbringer, petitioner, *v.* The United States of America;

No. 150. Dennis B. Pitman and May Dell Pitman, petitioners, *v.* The United States of America;

No. 151. A. Ray Oliver, Executor of the Estate of Lola Castlio Oliver, Deceased, et al., petitioners, *v.* The United States of America; and

No. 155. Q. W. S. S. Realty and Investment Company, petitioner, *v.* The United States of America. Argument commenced by Mr. Richmond C. Coburn for the petitioners, continued by Mr. Roger P. Marquis for the respondent, and concluded by Mr. Samuel M. Watson for the petitioners. Leave granted petitioners to file reply brief within ten (10) days.

No. 94. The United States, petitioner, *v.* N. Y. Rayon Importing Co., Inc. (No. 2), and Alfred L. Rose, Norman S. Goetz, et al.; and

No. 96. N. Y. Rayon Importing Co., Inc. (No. 2), and Alfred L. Rose, Norman S. Goetz, et al., petitioners, *v.* The United States. Argued by Mr. Joseph M. Proskauer for N. Y. Rayon Importing Co., Inc., et al., and by Mr. Samuel D. Slade for the United States.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 9, will be as follows: Nos. 241, 658, 209, 287, 265, 56 (and 57), 400, 759 (and 760, 781, 782, and 811), 141, and 95.

SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Jack T. Conn, of Ada, Okla.; Joseph I. Bulger, of Chicago, Ill.; and Sherman E. Burt, of Washington, D. C., were admitted to practice.

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No. 241. Conway C. Craig, Bob McCracken, and Tom Mulvany, petitioners, *v.* John B. Harney, Sheriff of Nueces County, Texas. Argued by Mr. Ireland Graves and Mr. Marcellus G. Eckhardt for the petitioners and by Mr. Jerry D'Unger for the respondent.

No. 658. Packard Motor Car Company, petitioner, *v.* National Labor Relations Board. Argued by Mr. Louis F. Dahling for the petitioner and by Mr. Gerhard P. Van Arkel for the respondent. Leave granted petitioner to file a reply brief within ten (10) days.

No. 209. Adam A. Adams, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Sydney A. Gutkin for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 10, will be as follows: Nos. 209, 287, 265, 56 (and 57), 400, 759 (and 760, 781, 782, and 811), 141, 95, 102, and 453.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Calvin H. Rankin, of Philadelphia, Pa.; Philip Wallis, of Philadelphia, Pa.; Eugene M. Thoré, of Washington, D. C.; Frederick C. Nash, of Detroit, Mich.; Carl E. Hoffman, of Allegan, Mich.; Charles Hilsenroth, of New York, N. Y.; Edward August Waldmann, of Washington, D. C.; Arthur J. Phelan, of Washington, D. C.; and James A. Durham, of Bloomington, Ind., were admitted to practice.

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No. 209. Adam A. Adams, petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Sydney A. Gutkin for the petitioner, by Mr. J. Louis Monarch for the respondent, and concluded by Mr. Sydney A. Gutkin for the petitioner.

No. 287. J. Robert Bazley, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Henry S. Drinker for the petitioner and by Mr. J. Louis Monarch for the respondent.

No. 265. Frank A. Cardillo, Deputy Commissioner, United States Employees' Compensation Commission, petitioner, *v.* Liberty Mutual Insurance Company et al. Argued by Mr. Philip Elman for the petitioner and by Mr. Arthur J. Phelan for the respondents.

Adjourned until Monday, next, at 12 o'clock.

The day call for Monday, January 13, will be as follows: Nos. 56 (and 57), 400, 141, 759 (and 760, 781, 782, and 811), 95, 102, 453, 367, 320, and 270.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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John M. Ennis, of Los Angeles, Calif.; B. E. Hendricks, of Miami, Fla.; Carroll Hudson Tunicliffe Jones, of Hempstead, N. Y.; George D. Nelson, of Minden, La.; Harry A. Fathauer, of Chicago, Ill.; Zack T. Ritsos, of Chicago, Ill.; David A. Morgan, of Peoria, Ill.; Benjamin F. Lindas, of Washington, D. C.; Abraham M. Fisch, of New York, N. Y.; and Alfred O. Bjorklund, of Minneapolis, Minn., were admitted to practice.

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No. 47. George E. Hickman, as Administrator of the Estate of Norman E. Hickman, Deceased, petitioner, *v.* John M. Taylor and George Anderson, Individually and Trading as Taylor & Anderson Towing and Lighterage Company, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Justice Murphy. Concurring opinion by Mr. Justice Jackson in which Mr. Justice Frankfurter joins.

No. 63. The Order of Railway Conductors of America, H. W. Fraser, President, et al., petitioners, *v.* O. E. Swan, T. K. Faherty, R. A. Knoff, et al.; and

No. 64. F. J. Williams, William Bishop, Paul M. Carter, et al., etc., petitioners, *v.* O. E. Swan, T. K. Faherty, R. A. Knoff, et al. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments affirmed with costs and cases remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Murphy. Separate opinion by Mr. Justice Frankfurter.

No. 87. A. M. Anderson, Receiver of National Bank of Kentucky, Louisville, Kentucky, petitioner, *v.* Irvin Yungkau, Executor of the Estate of Albert Yungkau, Deceased; H. E. Franz, Executor of the Estate of William R. Gilpin, Deceased; Lucy Logan Massie, Executrix of the Estate of William K. Massie, Deceased, et al. On writ of

certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed with costs and case remanded to the District Court of the United States for the Eastern District of Kentucky. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Burton joins. The Chief Justice and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 142. State of Louisiana, ex rel. Willie Francis, petitioner, *v.* E. L. Resweber, Sheriff of the Parish of St. Martin, Louisiana, et al. On writ of certiorari to the Supreme Court of the State of Louisiana. Judgment affirmed. Mr. Justice Reed announced the judgment of the Court and an opinion in which the Chief Justice, Mr. Justice Black and Mr. Justice Jackson join. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Burton in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge concur.

No. 88. Helene A. Jesionowski, Administratrix, petitioner, *v.* Boston & Maine Railroad. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment reversed with costs and case remanded to the District Court of the United States for the District of Massachusetts for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting: Mr. Justice Reed, Mr. Justice Jackson and Mr. Justice Burton.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 58, Misc. Ex parte Bernard M. Shotkin, petitioner. The motion for oral argument is denied.

No. 90, Misc. Ex parte William Bailey, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 343. State of New York, State of Delaware, State of Indiana, et al., appellants, *v.* United States of America, Interstate Commerce Commission, State of Alabama, et al.;

No. 344. State of Maine, State of New Hampshire, State of Vermont, et al., appellants, *v.* United States of America, Interstate Commerce Commission, et al.; and

No. 345. The Atchison, Topeka and Santa Fe Railway Company et al., appellants *v.* United States of America, Interstate Commerce Commission, State of Alabama, et al. The motions for a continuance are granted and the cases are reassigned for argument on Monday, March 3, next.

No. 572. Schine Chain Theatres, Inc., et al., appellants, *v.* The United States of America. The motion for leave to file a new statement as to jurisdiction is granted.

No. 703. Hyman Rappy, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 717. Edwin B. H. Tower, Jr., petitioner, *v.* Water Hammer Arrester Corp. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 744. Michael Salzman, petitioner, *v.* London Coat of Boston, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 754. W. G. Kordewick, Henry Potrafke, Lawrence E. Pecor, et al., petitioners, *v.* Indiana Harbor Belt Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 787. Stella Chisholm, Administratrix of the Estate of Howard Llewellyn Chisholm, Deceased, petitioner, *v.* Reading Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 758. Joseph W. Frazer, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 786. David Rubin, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the County Court of Orange County, State of New York;

No. 788. James Fasano, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of King's County, State of New York;

No. 802. Walter B. Smith, petitioner, *v.* State of Indiana. On petition for writ of certiorari to the Supreme Court of Indiana;

No. 807. David Strong, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Kane County, State of Illinois;

No. 817. Kenneth Rucker, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 828. Joseph Williams, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 830. Vito Nitti, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 3. Elmira G. Freeman, as Successor Trustee Under the Will and of the Estate of Henry C. Starr, Deceased, appellant, *v.* Gilbert K. Hewit, Director of Gross Income Tax Division, Department of Treasury, State of Indiana;

No. 454. Joseph B. Fleming and Aaron Colnon, Trustees of the Chicago, Rock Island and Pacific Railway Company, et al., petitioners, *v.* John C. Traphagen et al.;

No. 496. William M. Lee, petitioner, *v.* The Department of Public Welfare and State Parole Board;

No. 672. Soewapadji and 218 Alien Indonesian Seamen Similarly-Situated, petitioners, *v.* I. F. Wixon, As Custodian of Petitioners in the United States;

No. 679. Market Street Railway Company, petitioner, *v.* Railroad Commission of the State of California et al.; and

No. 689. Freeman J. Thomson, Administrator of the Estate of Arthur W. Thomson, Deceased, petitioner, *v.* Caroline Thomson. The petitions for rehearing are denied.

No. 42. Vanston Bondholders Protective Committee, petitioner, *v.* Louis A. Green et al.; and

No. 43. Vanston Bondholders Protective Committee, petitioner, *v.* Carl B. Early et al.;

No. 44. Vanhorn Bondholders Protective Committee, petitioner, *v.* Louis A. Green et al.; and

No. 45. Vanhorn Bondholders Protective Committee, petitioner, *v.* Carl B. Early et al. The petitions for rehearing are denied. Mr. Justice Reed took no part in the consideration or decision of these applications. Mr. Justice Frankfurter and Mr. Justice Jackson are of the opinion that the petitions should be granted.

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The Court will take a recess from Monday, January 20, until Monday, February 3, next.

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No. 56. The United States of America, petitioner, *v.* Legh R. Powell, Jr., and Henry W. Anderson, as Receivers of the Properties and Assets of Seaboard Air Line Railway Company; and

No. 57. The United States of America, petitioner, *v.* Atlantic Coast Line Railroad Company. Argued by Mr. Robert L. Werner for the petitioner, by Mr. Thomas L. Preston for the respondents in No. 56, and by Mr. Thomas W. Davis for the respondent in No. 57.

No. 400. Northern Pacific Railway Company, petitioner, *v.* The United States of America. Argued by Mr. Lorenzo B. daPonte for the petitioner and by Mr. Robert L. Werner for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 14, will be as follows: Nos. 759 (and 760, 781, 782, and 811), 141, 95, 102, 453, 320, 270, 335 (and 336), 367, and 371.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Edward D. McLaughlin, of Little Rock, Ark.; Maurice J. Gordon, of St. Louis, Mo.; George N. Mecham, of Omaha, Nebr.; William A. Tautges, of Minneapolis, Minn.; Walter J. Welch, of Minneapolis, Minn.; Bruno Berk, of Newark, N. J.; Mose Silverman, of Omaha, Nebr.; Joseph B. Hobbs, of Arlington, Va.; William James Costello, of Great Falls, Mont.; and Edward D. Wynot, of New York, N. Y., were admitted to practice.

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No. 759. The United States of America, petitioner, *v.* United Mine Workers of America, an Unincorporated Association;

No. 760. The United States of America, petitioner, *v.* John L. Lewis, Individually and as President of the United Mine Workers of America;

No. 781. United Mine Workers of America, an Unincorporated Association, petitioner, *v.* The United States of America;

No. 782. John L. Lewis, Individually and as President of the United Mine Workers of America, petitioner, *v.* The United States of America; and

No. 811. United Mine Workers of America, an Unincorporated Association, and John L. Lewis, Individually and as President of the United Mine Workers of America, petitioners, *v.* The United States of America. Three and one-half hours allowed for oral argument. Argument commenced by Mr. Attorney General Clark for the United States; continued by Mr. Welly K. Hopkins and Mr. Joseph A. Padway for the United Mine Workers and John L. Lewis; and concluded by Mr. Assistant Attorney General Sonnett for the United States. Leave granted to file briefs of the Congress of Industrial Organizations, Workers Defense League, National Lawyers Guild, and National Maritime Union of America, CIO, as amici curiae.

No. 141. The Confederated Bands of the Ute Indians, petitioners, *v.* The United States. Argument commenced by Mr. Ernest L. Wilkinson for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 15, will be as follows: Nos. 141, 95, 102, 453, 320, 270, 335 (and 336), 367, and 371.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Harold H. Fulk, of Little Rock, Ark.; John Claud Simon, of Camden, N. J.; Lester A. Drenk, of Camden, N. J.; William S. Zink, of Camden, N. J.; Howard R. Yocum, of Camden, N. J.; Benjamin F. Friedman, of Camden, N. J.; Robert B. Hamer, of Omaha, Nebr.; James J. Mennis, of New York, N. Y.; Francis R. Curry, of New York, N. Y.; Glen A. Wilkinson, of Washington, D. C.; Lawrence E. Hart, of Madison, Wis.; Bernard F. Ladon, of San Antonio, Tex.; Joseph Cohn, of New York, N. Y.; Barney Joseph Keren, of Arlington, Va.; and Daniel L. Boland, of Wilkes-Barre, Pa., were admitted to practice.

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No. 53. The United States of America, petitioner, *v.* Paul David Sheridan. Time within which to file a petition for rehearing extended to January 27 upon motion of counsel for the petitioner.

No. 141. The Confederated Bands of the Ute Indians, petitioners, *v.* The United States. Argument continued by Mr. Ernest L. Wilkinson for the petitioners, by Mr. Marvin J. Sonosky for the respondent, and concluded by Mr. Ernest L. Wilkinson for the petitioners.

No. 95. Aircraft & Diesel Equipment Corporation, appellant, *v.* Maurice Hirsch, E. D. McDougal, John R. Paul, et al. Argued by Mr. Arthur R. Hall for the appellant and by Mr. Robert L. Stern for the appellees.

No. 102. Admiral Dewey Adamson, appellant, *v.* People of the State of California. Argument commenced by Mr. Morris Lavine for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 16, will be as follows: Nos. 102, 453, 320, 270, and 335 (and 336).

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Robert P. Sullivan, of Stockton, Calif.; W. Victor Rodin, of Philadelphia, Pa.; William Jack Chow, of San Francisco, Calif.; Henry R. Heebner, of Philadelphia, Pa.; Jack A. Donnelley, of San Diego, Calif.; Peter Hofstra, of Paterson, N. J.; William W. Kapell, of New York City; Edward J. Fruchtman, of New York City; Randall T. Elliott, of University Heights, Ohio; J. Richard Riggles, Jr., of Jackson Heights, N. Y.; Gilbert Goldstein, of New York City; Lawrence Kovalsky, of New York City; and John Harold Hughes, of Honolulu, Hawaii, were admitted to practice.

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No. 335. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* The Nashville, Chattanooga & St. Louis Railway. Motion for leave to file brief of Railway Labor Executives' Association as amicus curiae submitted by Mr. Lester P. Schoene in support thereof and by Mr. Watson Whitwell for the respondent in opposition thereto. Leave granted to file with leave to the respondent to reply hereafter.

No. 875. Philip B. Fleming, Temporary Controls Administrator, petitioner, *v.* Royal Lee, doing business as Vitamin Products Company. Time within which to serve petition for writ of certiorari and record extended to a date not later than 10 days after the giving of notice by the Clerk of this Court to counsel for petitioner that the printed record has been delivered to such Clerk.

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No. 102. Admiral Dewey Adamson, appellant, *v.* People of the State of California. Argument continued by Mr. Morris Lavine for the appellant; by Mr. Walter L. Bowers for the appellee; and concluded by Mr. Morris Lavine for the appellant. Leave granted appellant to file a reply brief.

No. **453**. The Penfield Company of California and A. W. Young, petitioners, *v.* Securities and Exchange Commission. Argued by Mr. Morris Lavine for the petitioners and by Mr. Roger S. Foster for the respondent.

No. **320**. Newton W. Ellis, petitioner, *v.* Union Pacific Railroad Company. Argument commenced by Mr. George Mecham for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 17, will be as follows: Nos. **320**, **270**, and **335** (and **336**).

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Jean McManus, of Sheridan, Wyo.; Joseph C. Turco, of Washington, D. C.; Edmond J. Donohue, Jr., of Pontiac, Mich.; Joseph E. Hendricks, of De Land, Fla.; Arthur E. Aldrich, of Seattle, Wash.; Oscar A. Mellin, of San Francisco, Calif.; and Godfrey H. Wende, of Buffalo, N. Y., were admitted to practice.

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No. 12, Original. The United States of America, complainant, *v.* The State of California. This case is reassigned for argument on March 12, next. Brief of the State of California to be served upon the Solicitor General 15 days prior to argument.

No. 893. R. P. Hunter, petitioner, *v.* Texas Electric Railway Company. Time within which to serve petition for writ of certiorari and record extended to a date not later than 10 days after the giving of notice by the Clerk of this Court to counsel for petitioner that the printed record has been delivered to such Clerk.

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No. 320. Newton W. Ellis, petitioner, *v.* Union Pacific Railroad Company. Argument continued by Mr. George Meham for the petitioner, by Mr. Robert B. Hamer for the respondent, and concluded by Mr. George Meham for the petitioner.

No. 270. Industrial Commission of Wisconsin, Leo Thomas Kopp, and State of Wisconsin, petitioners, *v.* E. E. McCartin and Continental Casualty Company. Argued by Mr. Mortimer Levitan for the petitioners and by Mr. Lawrence E. Hart for the respondents.

No. 335. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* The Nashville, Chattanooga & St. Louis Railway; and

No. 336. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* Portland Terminal Company. Argument commenced by Mr. William

S. Tyson for the petitioner, continued by Mr. E. Spencer Miller for the respondent in No. 336, by Mr. Walton Whitwell for the respondent in No. 335, and concluded by Mr. William S. Tyson for the petitioner.

Adjourned until Monday, January 20, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Edgar L. Morris, of Columbia, S. C.; Louis C. Wyman, of Manchester, N. H.; Symone S. Spector, of Baltimore, Md.; Lawrence I. Shaw, of Omaha, Nebr.; Murray I. Gurfein, of New York, N. Y.; Raleigh M. Sutton, of Washington, Ga.; Arthur J. Hilland, of Washington, D. C.; John W. Lederle, of Ann Arbor, Mich.; Solly K. Frankenstein, of Fort Wayne, Ind.; Theodore W. Miller, of Chicago, Ill.; and Warner Fuller, of St. Louis, Mo., were admitted to practice.

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No. 106. The United States, petitioner, *v.* The Thayer-West Point Hotel Company. On writ of certiorari to the Court of Claims. Judgment reversed to the extent that it includes an allowance for interest and case remanded for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy.

No. 62. Charles B. Morris, appellant, *v.* Paul F. Jones, Director of Insurance of the State of Illinois. Appeal from the Supreme Court of the State of Illinois. Appeal dismissed. Treating the appeal papers as a petition for writ of certiorari, a writ of certiorari is granted. The judgment is reversed with costs and the case remanded for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Black and Mr. Justice Rutledge join.

No. 92. Walter P. Gardner, Trustee of the Central Railroad Company of New Jersey, petitioner, *v.* The State of New Jersey. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of Circuit Court of Appeals affirmed in part and reversed in part and case remanded to the District Court of the United States for the District of New Jersey for further proceedings in conformity with the opinion of this Court. One-fourth of the costs in this Court are to be taxed against petitioner and three-fourths against respondent. Opinion by Mr. Justice Douglas.

No. 80. Jack Parker, Isidor M. Saks, Melvin Caplan, et al., petitioners, *v.* Philip B. Fleming, Temporary Controls Administrator. On writ of certiorari to the United States Emergency Court of Appeals. Judgment reversed and case remanded to the Emergency Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting: The Chief Justice, Mr. Justice Frankfurter, and Mr. Justice Burton.

No. 229. Robert P. Patterson, Secretary of War, and Edward F. Witsell, the Adjutant General, United States Army, petitioners, *v.* James John Lamb. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and case remanded to the District Court of the United States for the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

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The Chief Justice announced the following order of the Court:

No. 800. The United States of America, petitioner, *v.* Thomas Balogh. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit. *Per curiam:* The petition for writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Circuit Court of Appeals. *Falbo v. United States*, 320 U. S. 549. Mr. Justice Murphy is of the opinion that the petition for certiorari should be denied.

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The Chief Justice said:

“The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 91, Misc. Ex parte William Watkins, petitioner;

No. 92, Misc. Ex parte Francis Haines, petitioner; and

No. 94, Misc. Ex parte Carl E. Owens, petitioner. The motions for leave to file petitions for writs of certiorari are denied.

No. 79, Misc. Ex parte Emanuel Cannady, petitioner;

No. 93, Misc. Ex parte William Thomas, petitioner; and

No. 95, Misc. Ex parte James D. Kneisley, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 89. The United States of America, appellant, *v.* National Lead Company, Titan Company, Inc., and E. I. du Pont de Nemours and Company, Inc. Further consideration of the motion to amend the assignment of errors is postponed to the hearing of the case on the merits.

No. 813. Denny Martini and Mildred Martini, Individually and Doing Business as Lakeside Cut-Rate Liquor Store, petitioners, *v.* Paul Porter, Price Administrator, Office of Price Administration. The motion to substitute Philip B. Fleming, Temporary Controls Administrator, as the party respondent herein is granted.

No. 572. Schine Chain Theatres, Inc., et al., appellants, *v.* The United States of America. The petition for rehearing is granted. The judgment entered December 16 is vacated and probable jurisdiction is noted. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 823. The United States of America, appellant, *v.* Paul Evans. In this case probable jurisdiction is noted. The case is transferred to the summary docket.

No. 715. State of Oklahoma and Champlin Refining Company, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 793. The United States of America, petitioner, *v.* Elliott W. Michener. The motion of the respondent for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit is granted and the case is transferred to the summary docket.

No. 840. M. L. Kennedy, Warden, petitioner, *v.* United States ex rel. John Myron Kulick. The motion to substitute Myrl Alexander as the party petitioner herein is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is granted.

No. 535. Theodore Martin Sunal, petitioner, *v.* David R. Large, Superintendent, Federal Prison Camp, Mill Point, W. Va. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. The case is transferred to the summary docket and assigned for hearing immediately following No. 840.

No. 435. Anna C. Dickheiser and Edward S. Birn, On Their Own Behalf and On Behalf of All Other Stockholders of the Pennsylvania Railroad Co., petitioners, *v.* The Pennsylvania Railroad Co., M. W. Clement, C. Jared Ingersoll, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 595. Julia A. Perrine and Matilda J. Feldman, petitioners, *v.* The Pennroad Corporation, a Corporation of the State of Delaware, et al. Petition for writ of certiorari to the Supreme Court of Delaware denied.

No. 603. Matilda J. Feldman, petitioner, *v.* Pennroad Corporation, a Corporation of the State of Delaware. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 662. Huey R. Lee, Jr., by His Next Friend L. D. Turberville, petitioner, *v.* The State of Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 746. The Corbitt Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 747. Raymond Jackson, an Incompetent Person, by Phil Oldham, Next Friend and Guardian ad litem, petitioner, *v.* The Carter Oil Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 764. Interstate Hotel Company of Nebraska, petitioner, *v.* Remick Music Corporation;

No. 765. Peony Park, petitioner, *v.* M. Witmark & Sons;

No. 766. Lloyd G. Fox, petitioner, *v.* Chappell & Co., Inc.; and

No. 767. Interstate Hotel Company of Nebraska, petitioner, *v.* Jerome Kern and T. B. Harms Company. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 771. Edward Vance, petitioner, *v.* American Society of Composers, Authors, and Publishers, et al. Petition for writ of certiorari to the District Court of the United States for the Western District of Missouri denied.

No. 778. Thomas Flexible Coupling Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 779. Elade Realty Corporation, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 790. R. R. Donnelly & Sons Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 768. Lincoln Stores, Inc., petitioner, *v.* Nashua Manufacturing Company. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. Mr. Justice Black is of the opinion that the petition should be granted.

No. 842. James Martine, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Kings County, State of New York;

No. 853. Kenneth H. Parker, petitioner, *v.* State of Indiana. On petition for writ of certiorari to the Supreme Court of Indiana;

No. 856. Earl Davis, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois; and

No. 858. Charles Montiel, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 74, Misc. Wallace Phillips, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 183. Ralph Henry Cahoon, Jr., petitioner, *v.* The United States of America;

No. 538. Herman Berman, petitioner, *v.* The United States of America;

No. 705. Kenneth Tressler, petitioner, *v.* Ada A. Tressler et al.; and

No. 708. Clark & Clark, Charles L. Morris and Robert Brinton Morris, Trading as Professional Laboratories, petitioners, *v.* Smith, Kline & French Laboratories. The petitions for rehearing are denied.

No. 681. W. H. Tompkins Company, Now Tompkins Motor Lines, Inc., appellant, *v.* The United States of America and Interstate Commerce Commission. The motion for leave to file a petition for rehearing is granted. The petition for rehearing is denied.

No. 28. Alpine MacGregor, petitioner, *v.* Westinghouse Electric & Manufacturing Company. Time to file petition for rehearing extended to February 13 and mandate stayed pending disposition of petition on motion of counsel for respondent.

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Adjourned until Monday, February 3, next, at 12 o'clock.

The day call for Monday, February 3, will be as follows: Nos. 184, 89 (and 90 and 91), 384, 207, 291, 385, 404, 103, 574, and 367.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Adam Monroe Byrd, of Meridian, Miss.; Edward L. Rea, of New York, N. Y.; John B. Henrich, Jr., of Darien, Conn.; Adolfo García Veve, of San Juan, P. R.; Stanfield B. Johnson, of Washington, D. C.; Horace Carlyle Lowry, of Knoxville, Tenn.; Norton A. Torke, of Milwaukee, Wis.; David C. Shaw, of Chicago, Ill.; Sidney A. Jones, Jr., of Chicago, Ill.; Spencer Brownell, Jr., of Wilmington, Del.; Albert Ellis Radinsky, of Denver, Colo.; William A. Belt, of Toledo, Ohio; Abe Berkowitz, of Birmingham, Ala.; A. T. Fredericks, of Boise, Idaho; and H. Wayne Unger, of Walterboro, S. C., were admitted to practice.

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No. 94. The United States, petitioner, *v.* N. Y. Rayon Importing Co., Inc. (#2), and Alfred L. Rose, Norman S. Goetz, et al.; and

No. 96. N. Y. Rayon Importing Co., Inc. (#2), and Alfred L. Rose, Norman S. Goetz, et al., petitioners, *v.* The United States. On writs of certiorari to the Court of Claims. Judgment in No. 94 reversed to the extent that it includes an award of interest and case remanded for proceedings in conformity with the opinion of this Court. Cross writ of certiorari in No. 96 dismissed. Opinion by Mr. Justice Murphy announced by Mr. Justice Rutledge.

No. 208. Transparent-Wrap Machine Corporation, petitioner, *v.* Stokes & Smith Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs and case remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting: Mr. Justice Black, Mr. Justice Rutledge, Mr. Justice Burton, and Mr. Justice Murphy.

No. 320. Newton W. Ellis, petitioner, *v.* Union Pacific Railroad Company. On writ of certiorari to the Supreme Court of the State of Nebraska. Judgment reversed with costs and case remanded for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 690. Insurance Group Committee, Reorganization Committee, Guaranty Trust Company of New York, Trustee, et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al. On

writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Order of the Circuit Judge in directing a stay of the consummation of the reorganization plan vacated and order of the District Judge of October 30, 1946, denying petition for re-examination of the plan affirmed, petitioners to recover their costs in this Court. The case is remanded to the District Court of the United States for the District of Colorado. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Frankfurter.

No. 97. Julius A. Krug, Secretary of the Interior, et al., petitioners, *v.* Santa Fe Pacific Railroad Company; and

No. 98. Julius A. Krug, Secretary of the Interior, et al., petitioners, *v.* Santa Fe Pacific Railroad Company. On writs of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and cases remanded to the District Court of the United States for the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

No. 148. Edgar S. Albrecht and Geraldine Albrecht, His Wife, et al., petitioners, *v.* The United States of America;

No. 149. Edward J. Linnenbringer, petitioner, *v.* The United States of America;

No. 150. Dennis B. Pitman and May Dell Pitman, petitioners, *v.* The United States of America;

No. 151. A. Ray Oliver, Executor of the Estate of Lola Castlio Oliver, Deceased, et al., petitioners, *v.* The United States of America; and

No. 155. Q. W. S. S. Realty and Investment Company, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgments affirmed and cases remanded to the District Court of the United States for the Eastern District of Missouri. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Douglas joins.

No. 140. Rene DeMeerleer, petitioner, *v.* The People of the State of Michigan. On writ of certiorari to the Supreme Court of the State of Michigan. Judgment reversed with costs and case remanded for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by the Chief Justice.

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The Chief Justice announced the following order of the Court:

No. 839. Horsman Dolls, Inc., appellant, *v.* State of New Jersey Unemployment Compensation Commission. Appeal from the New Jersey Court of Errors and Appeals. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. In Re Disbarment of Nathan A. Dobbins. It having been reported to the Court that Nathan A. Dobbins, of Washington, D. C., has been disbarred from the practice of the law by the District Court of the United States for the District of Columbia; It is ordered that the said Nathan A. Dobbins be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue, returnable within forty (40) days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

No. 97, Misc. Ex parte Harry Meyers, petitioner. The motion for leave to file petition for writ of prohibition is denied.

No. 98, Misc. Ex parte Roy E. Eaton, petitioner. The motion for leave to file petition for writs of habeas corpus and certiorari is denied.

No. 99, Misc. Ex parte Joe J. Evans, petitioner. The motion for leave to file petitions for writs of habeas corpus and certiorari is denied.

No. 100, Misc. Ex parte Frank X. Delisle, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 73. Estate of Bayard Dominick, Deceased, Alice Hoyt Dominick and Gayer G. Dominick, Executors, petitioners, v. Commissioner of Internal Revenue. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is dismissed per stipulation of counsel.

No. 442. The United States, petitioner, v. Ivan M. Elchibegoff. On writ of certiorari to the Court of Claims. The motion by respondent to enlarge the issues is denied. The writ of certiorari is dismissed on motion of counsel for the petitioner.

No. 497. 149 Madison Avenue Corp. and Williams & Co., Inc., petitioners, v. Frank Asselta, Camilo Del Rio, Joseph McArdle, et al. The motion for leave to file brief of 128 West 30th St. Corporation and others as amici curiae is granted.

No. 543. Federal Power Commission et al., petitioners, v. Arkansas Power & Light Company. The motion of the State of Arkansas to transfer this case from the summary docket is denied. Thirty minutes' time is allowed the State of Arkansas within which to present oral argument as amicus curiae.

No. 793. The United States of America, petitioner, v. Elliott W. Michener. It is ordered that Roger Kent, Esquire, of San Francisco, California, a member of the Bar of this Court, be appointed to serve as counsel for the respondent in this case.

No. 755. Ira J. McCullough, petitioner, *v.* Kammerer Corporation and Baash-Ross Tool Company. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is granted limited to the first question presented by the petition for the writ. The case is transferred to the summary docket.

No. 540. Nelson Foster and George Payne, petitioners, *v.* The People of the State of Illinois. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Illinois is granted.

No. 791. Gerald Axelrod et al., Constituting a Group of Individual Owners of the 4½% Convertible Gold Bonds of the Chicago, Rock Island and Pacific Railway Company, Debtor, petitioners, *v.* Joseph B. Fleming and Aaron Colnon, as Trustees of the Chicago, Rock Island and Pacific Railway Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 792. The General Metals Powder Company, petitioner, *v.* The S. K. Wellman Company and S. K. Wellman. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 814. G. J. Lucchese et al., petitioners, *v.* Gus B. Mauermann. Petition for writ of certiorari to the Court of Civil Appeals, 4th Supreme Judicial District, State of Texas, denied.

No. 831. Joseph B. Fleming and Aaron Colnon, Trustees of the Estate of Chicago, Rock Island and Pacific Railway Company, petitioners, *v.* Oklahoma Tax Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 833. Marion M. Amato, Individually and Doing Business as M. Amato & Son, petitioner, *v.* Paul A. Porter, Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 838. The Pennsylvania Railroad Company, petitioner, *v.* William E. McCarthy, Administrator of the Estate of John J. McCarthy, Deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 867. Florence Marie Townsend, Nee Barnett, Rita Urquhart, nee Richard, et al., petitioners, *v.* The First National Bank and Trust Company and H. H. Ogden. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 816. Charles C. Patterson, petitioner, *v.* Virginia Electric and Power Company. The motion to dispense with printing the petition and record is granted. The petition for writ of certiorari to the Supreme Court of Appeals, Commonwealth of Virginia, is denied.

No. 818. Michael Basile, petitioner, *v.* The People of the State of New York. The motion to dispense with printing the petition and record is granted. The petition for writ of certiorari to the County Court of Albany County, State of New York, is denied.

No. 826. Julia Camp Brummel, petitioner, *v.* L. F. Dietz and Associates, Inc., a New York Corporation, et al. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the Appellate Division, Supreme Court of New York, is denied.

No. 887. Gerald David Hudson, petitioner, *v.* The United States of America. The motion for bail is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit is also denied. Mr. Justice Murphy and Mr. Justice Rutledge are of the opinion that the petition for certiorari should be granted.

No. 628. Magnus Olson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois:

No. 739. Joel Thomas Pierce, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit:

No. 761. Charles Anderson, petitioner, *v.* The People of the State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan:

No. 801. Custer M. Coyle, petitioner, *v.* Robert A. Heinze, Warden, etc. On petition for writ of certiorari to the Supreme Court of California:

No. 803. John McCann, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the County Court of Bronx County, State of New York:

No. 808. George Leon Gibson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois:

No. 822. Ralph Barton Butz, petitioner, *v.* Edward M. Stubblefield, Superintendent, Illinois State Penitentiary, Menard, Illinois. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois:

No. 829. Bruno Austin, Alex Shapiro, Morris Jacobs, and David Sinnenberg, petitioners, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois:

No. 835. William Robert Hadley, petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims;

No. 844. The People of the State of New York ex rel. Vincent Mummiani, petitioner, *v.* J. Vernel Jackson, as Warden, etc. On petition for writ of certiorari to the County Court of Clinton County, State of New York;

No. 864. Louis A. Pifer, petitioner, *v.* The United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 873. Thomas Adams, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 884. Mike Parker, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, Circuit Court of Will County, and Supreme Court, State of Illinois;

No. 885. George Furman, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 886. Harry W. Allard, petitioner, *v.* The State of New York. On petition for writ of certiorari to the County Court of Schenectady County, State of New York;

No. 896. Harold Witt, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Kendall County, Circuit Court of Will County, and Supreme Court, State of Illinois;

No. 898. Harold J. Steinhardt, petitioner, *v.* People of the State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 919. Robert Reynolds, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 920. Roman Piskorz, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 921. Albert Van Pelt, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 913. James Finley, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 101, Misc. Ex parte James Finley, petitioner. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 40. The United States of America, petitioner, *v.* Iska W. Carmack;

No. 53. The United States of America, petitioner, *v.* Paul David Sheridan;

No. 75. International Harvester Company, appellant, *v.* Tax Commissioner of Ohio;

No. 79. Leo H. Steele, petitioner, *v.* General Mills, Inc.;

No. 180. Livingston Taylor, petitioner, *v.* People of the State of Illinois;

No. 288. Sid W. Richardson et al., petitioners, *v.* Keith Kelly, Receiver;

No. 611. August Faucetta, petitioner, *v.* The People of the State of New York;

No. 653. Northwestern Mutual Life Insurance Company, petitioner, *v.* T. E. Suttles, as Tax Collector of Fulton County, Georgia, et al.;

No. 700. Borg-Warner Corporation and David E. Gamble, petitioners, *v.* George I. Goodwin and John F. Daukus;

No. 704. John R. Johnson, petitioner, *v.* Nathan Mayo, as State Prison Custodian;

No. 780. The Chronicle & Gazette Publishing Co., Inc., appellant, *v.* The Attorney General of the State of New Hampshire et al.; and

No. 800. The United States of America, petitioner, *v.* Thomas Balogh. The petitions for rehearing are denied.

No. 167. The United States of America ex rel. Elmer Davis, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

No. 342. Daniel Birmeli Dingman, petitioner, *v.* The United States of America. The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is denied.

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No. 184. A. N. Cone, petitioner, *v.* West Virginia Pulp and Paper Co. Argument commenced by Mr. H. Wayne Unger for the petitioner, continued by Mr. Christie Benet and Mr. Charles W. Waring for the respondent, and concluded by Mr. James P. Mozingo for the petitioner, pro hac vice, by special leave of Court.

No. 89. The United States of America, appellant, *v.* National Lead Company, Titan Company, Inc., and E. I. du Pont de Nemours and Company, Inc.;

No. 90. National Lead Company and Titan Company, Inc., appellants, *v.* The United States of America; and

No. 91. E. I. du Pont de Nemours and Company, Inc., appellant, *v.* The United States of America. Five and one-half hours allowed for oral argument. Argument commenced by Mr. William C. Dixon and continued by Assistant Attorney General Berge for the United States.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 4, will be as follows: Nos. 89 (90 and 91), 384, 417, 291, 367, 404, 103, 574, 371, and 207.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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William C. Connett IV, of Saint Louis, Mo.; J. Frank Wilson, of Dallas, Tex.; John Logan O'Donnell, of New York, N. Y.; Stephen A. Graham, of Port Huron, Mich.; Allyn Capron Donaldson, of Glen Cove, N. Y.; Austin L. Fickling, of Washington, D. C.; E. L. Koepe-nick, of Washington, D. C.; Joseph Hawley Murphy, of Syracuse, N. Y.; Joseph F. Goetten, of Fairport, N. Y.; Euclid Louis Taylor, of Chicago, Ill.; Samuel Mermin, of Washington, D. C.; Hyman Smollar, of Chicago, Ill.; Harry C. Izard, of Saint Louis, Mo.; Edward A. Tamm, of Saint Paul, Minn.; and William Cyril Burns, of Chicago, Ill., were admitted to practice.

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No. 89. The United States of America, appellant, *v.* National Lead Company, Titan Company, Inc., and E. I. du Pont de Nemours and Company, Inc.;

No. 90. National Lead Company and Titan Company, Inc., appel-lants, *v.* The United States of America; and

No. 91. E. I. du Pont de Nemours and Company, Inc., appellant, *v.* The United States of America. Argument continued by Mr. Assis-tant Attorney General Berge for the United States, by Mr. Bethuel M. Webster for National Lead Company and Titan Company, and by Mr. William Dwight Whitney for E. I. du Pont de Nemours and Company.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 5, will be as follows: Nos. 89 (and 90 and 91), 384, 417, 291, 367, 404, 103 (and 574), 371, 207, and 74.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Charles A. O'Niell, Jr., of New Orleans, La.; Arthur L. Stern, of Rochester, N. Y.; Samuel Sweet, of New York, N. Y.; Helen V. Ryan, of Washington, D. C.; and James H. Dyson, of Sanford, Fla., were admitted to practice.

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No. 89. The United States of America, appellant, *v.* National Lead Company, Titan Company, Inc., and E. I. du Pont de Nemours and Company, Inc.;

No. 90. National Lead Company and Titan Company, Inc., appellants, *v.* The United States of America; and

No. 91. E. I. du Pont de Nemours and Company, Inc., appellant, *v.* The United States of America. Argument continued by Mr. William Dwight Whitney for E. I. du Pont de Nemours and Company and concluded by Mr. William C. Dixon for the United States.

No. 384. People of the State of New York *ex rel.* Rose Halvey, petitioner, *v.* John F. Halvey, Custodian of John Arthur Halvey. Argued by Mr. B. E. Hendricks for the petitioner and by Mr. Samuel Shapiro for the respondent.

No. 417. United States Department of Agriculture, Emergency Crop and Feed Loans, petitioner, *v.* George G. Remund, as Administrator of the Estate of Wilhelm Buttke, Deceased. Argued by Mr. Paul A. Sweeney for the petitioner and submitted by Mr. Dwight Campbell for the respondent.

No. 291. Marion B. Kotch, John L. Richards, Adolph Clark, et al., appellants, *v.* Board of River Port Pilot Commissioners for the Port of New Orleans et al. Argument commenced by Mr. Charles A. O'Niell, Jr., and continued by Mr. M. A. Grace for the appellants and by Mr. Arthur A. Moreno for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 6, will be as follows: Nos. 291, 367, 404, 103 (and 574), 371, 207, 74, 564, 497, and 429.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Rufus S. Garrett, of Fort Worth, Tex.; Howard S. Levie, of New York, N. Y.; Victor L. Lewis, of Chicago, Ill.; James F. Weiler, of Houston, Tex.; and Joseph F. Weiler, of Dallas, Tex., were admitted to practice.

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No. 880. Robert J. Swem, petitioner, *v.* The People of the State of Michigan. Time within which to file brief of respondent extended to March 3 on motion of counsel for respondent.

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No. 291. Marion B. Kotch, John L. Richards, Adolph Clark, et al., appellants, *v.* Board of River Port Pilot Commissioners for the Port of New Orleans, et al. Argument continued by Mr. Arthur A. Moreno for the appellees and concluded by Mr. M. A. Grace for the appellants.

No. 367. John Myers, petitioner, *v.* Reading Company. Leave granted Mr. B. Nathaniel Richter to appear and present oral argument for the petitioner, *pro hac vice*, on motion of Mr. Henry R. Heebner in that behalf. Argued by Mr. B. Nathaniel Richter for the petitioner, *pro hac vice*, by special leave of Court, and by Mr. Henry R. Heebner for the respondent.

No. 404. Mexican Light & Power Company, Ltd., petitioner, *v.* The Texas Mexican Railway Company. Argued by Mr. Charles W. Bell for the petitioner and by Mr. John P. Bullington for the respondent.

No. 103. The Gospel Army, a Corporation, appellant, *v.* The City of Los Angeles, Board of Social Service Commissioners, Department of Social Service, et al.; and

No. 574. The Rescue Army, a Corporation, and Charles T. Murdock, appellants, *v.* The Municipal Court of the City of Los Angeles. Argument commenced by Mr. Robert H. Wallis for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 7, will be as follows: Nos. 103 (and 574), 371, 74, 564, 497, 207, 429, 72, 470 (and 471, 472, and 473), and 432.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Francis L. Heaton, of Central City, Nebr.; Patrick S. Heaton, of Central City, Nebr.; Nicholas R. Voorhis, of Winchester, Mass.; Paul Sandmeyer, of Los Angeles, Calif.; Claud Dorman Scruggs, of Gunthersville, Ala.; Moses Lasky, of San Francisco, Calif.; James Garfield Lemon, Jr., of Chicago, Ill.; Harold McAfee Tyler, of Chicago, Ill.; Glen O. Smith, of Cleveland, Ohio; Melville Reese Dill, of Cleveland, Ohio; Charles Edwin Wallington, of Philadelphia, Pa.; H. Clay Kauffman, of Lancaster, Ky.; and T. Emmett McKenzie, of Washington, D. C., were admitted to practice.

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No. 103. The Gospel Army, a Corporation, appellant, *v.* The City of Los Angeles, Board of Social Service Commissioners, Department of Social Service, et al.; and

No. 574. The Rescue Army, a Corporation and Charles T. Murdock, appellants, *v.* The Municipal Court of the City of Los Angeles. Argument continued by Mr. Robert H. Wallis for the appellants, by Mr. John L. Bland for the appellees, and concluded by Mr. Robert H. Wallis for the appellants.

No. 371. United States National Bank in Johnstown and First National Bank of South Fork, petitioners, *v.* Chase National Bank of the City of New York and Lester Larimer, Trustee. Argued by Mr. Robert I. Rudolph for the petitioners and by Mr. William Dean Embree for the respondents.

No. 74. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* Halliburton Oil Well Cementing Company. Argument commenced by Mr. Morton Liftin for the petitioner and continued by Mr. Ben F. Saye for the respondent.

Adjourned until Monday, next, at 12 o'clock.

The day call for Monday, February 10, will be as follows: Nos. 74, 564, 497, 207, 429, 72, 432, 470 (471, 472, and 473), 457, and 431.

SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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James O. Braly, of Oklahoma City, Okla.; Mahlon L. Walters, of Jefferson, Tex.; Russell T. Bradford, of Norfolk, Va.; Glen D. Johnson, of Okemah, Okla.; Harry Rosenberg, of New York, N. Y.; Albert H. Treiman, of New York, N. Y.; H. A. Beaman, of New York, N. Y.; Henry B. Kellog, of Binghamton, N. Y.; Maurice M. Davis, of Houston, Tex.; William Paul Shelley, Jr., of Tallahassee, Fla.; Lofton L. Tatum, of Portland, Oreg.; Selden Fennell Waldo, of Gainesville, Fla.; and Robert Orville Brown, of Duncan, Okla., were admitted to practice.

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No. 20. United Public Workers of America (CIO), George P. Poole, et al., appellants, *v.* Harry B. Mitchell, Frances Perkins, and Arthur S. Flemming. Appeal from the District Court of the United States for the District of Columbia. Decree affirmed. Opinion by Mr. Justice Reed. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case. Mr. Justice Rutledge dissents as to Poole for the reasons stated by Mr. Justice Black. He does not pass upon the constitutional questions presented by the other appellants for the reason that he feels the controversy as to them is not yet appropriate for the discretionary exercise of declaratory judgment jurisdiction. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black. Opinion by Mr. Justice Douglas dissenting in part.

No. 84. State of Oklahoma, petitioner, *v.* United States Civil Service Commission. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Northern District of Oklahoma. Opinion by Mr. Justice Reed. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case. Dissenting: Mr. Justice Black and Mr. Justice Rutledge. Concurring opinion by Mr. Justice Frankfurter.

No. 52. Arch R. Everson, appellant, *v.* Board of Education of the Township of Ewing, in the County of Mercer, et al. Appeal from the Court of Errors and Appeals of the State of New Jersey. Judgment

affirmed with costs. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Frankfurter joins. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Frankfurter, Mr. Justice Jackson, and Mr. Justice Burton join.

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The Chief Justice said :

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 62. Charles B. Morris, petitioner, *v.* Paul F. Jones, Director of Insurance of the State of Illinois. Time within which to file petition for rehearing extended to February 24, next, and mandate stayed on motion of counsel for the respondent.

No. 690. Insurance Group Committee, Reorganization Committee, Guaranty Trust Company of New York, Trustee, et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al. The motion by petitioners for immediate issuance of the mandate is denied. The motion by respondents to extend the time for issuance of the mandate for a period of 35 days after the expiration of the 25-day period prescribed for the issue of a mandate as of course, is denied.

No. 850. Harrison Williams, Clifford F. Stone, Sidney J. Weinberg, et al., petitioners, *v.* Carl J. Austrian and Robert G. Butcher, as Trustees of Central States Electric Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 733. Interstate Natural Gas Company, Incorporated, petitioner, *v.* Federal Power Commission et al. The petition for rehearing is granted. The order entered January 6, 1947, denying certiorari is vacated and the petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is granted limited to Questions (1), (2), and (3) presented by the petition for the writ.

No. 804. Kurt Mertig, petitioner, *v.* The People of the State of New York; and

No. 805. Ernest Elmhurst, petitioner, *v.* The People of the State of New York. Petition for writs of certiorari to the Supreme Court, Appellate Division, State of New York, denied.

No. 809. Al Bisignano, petitioner, *v.* The Municipal Court of the City of Des Moines et al. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 812. The United States of America, petitioner, *v.* Phelps Dodge Mercantile Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 852. Gordon M. Mather, petitioner, *v.* Commissioner of Internal revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 855. Detweiler Bros., Inc., petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 825. Osmond Y. Ladd and Paul H. Todd, petitioners, *v.* Bartholomew A. Brickley, Trustee of International Hydro Electric System, Securities & Exchange Commission, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 832. Ella H. Tinkoff, Debtor, and Paysoff Tinkoff, Claimant, petitioners, *v.* Ben Gold, Trustee, Louis Cohen, Attorney for Trustee, et al. On consideration of the suggestion of a diminution of the record and a motion for a writ of certiorari in that relation, the motion for certiorari is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit is also denied.

No. 843. Carmine Pizza, petitioner, *v.* John F. Foster, as Warden of Auburn State Prison, Auburn, New York. The motion to proceed on typewritten papers is granted. The petition for writ of certiorari to the Court of Appeals of the State of New York is denied.

No. 870. Herman Faubert, petitioner, *v.* The People of the State of Michigan. The motion to dispense with the printing of the petition and record is granted. The petition for writ of certiorari to the Supreme Court of Michigan is denied.

No. 857. Stanley Kaval, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 883. Stanley Kaval, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 142. State of Louisiana ex rel. Willie Francis, petitioner, *v.* E. L. Resweber, Sheriff of the Parish of St. Martin, Louisiana, et al. The petition for rehearing is denied. The order entered June 10, 1946, staying execution is vacated.

No. 183. Ralph Henry Cahoon, Jr., petitioner, *v.* The United States of America. The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is denied.

No. 706. George Small, petitioner, *v.* Walter B. Martin, Warden, etc.; and

No. 717. Edwin B. H. Tower, Jr., petitioner, *v.* Water Hammer Arrester Corp. The petitions for rehearing are denied.

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The Court will take a recess from Monday, February 17, until Monday, March 3, next.

No. 74. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* Halliburton Oil Well Cementing Company. Argument continued by Mr. Ben F. Sâye and Mr. Paul Sandmeyer for the respondent and concluded by Mr. Morton Liftin for the petitioner.

No. 564. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* The General Industries Company. Argument commenced by Mr. George M. Szabad for the petitioner and continued by Mr. Glen O. Smith for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 11, will be as follows: Nos. 564, 497, 207, 429, 72, 432, 470 (471, 472, and 473), 457, 431, and 461.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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John Locke Green, of Arlington, Va.; Blaine E. Capehart, of Camden, N. J.; Dwight Allen Coddington, of San Anselmo, Calif.; Robert Barnes Young, of Arlington, Va.; Russell G. Dunmore, Jr., of Utica, N. Y.; Robert N. Burchmore, of Chicago, Ill.; Edwin L. Kahn, of Charlotte, N. C.; Norman A. Sugarman, of Cleveland, Ohio; and Edward A. Martin, of Washington, D. C., were admitted to practice.

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No. 564. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* The General Industries Company. Argument continued by Mr. Glen O. Smith for the respondent and concluded by Mr. George M. Szabad for the petitioner. Leave granted each party to file an additional brief.

No. 497. 149 Madison Avenue Corp. and Williams & Co., Inc., petitioners, *v.* Frank Asselta, Camilo Del Rio, Joseph McArdle, et al. Argued by Mr. Robert R. Bruce for the petitioner and by Mr. Wilbur Duberstein for the respondent.

No. 207. Emory S. Land (Chairman, United States Maritime Commission) et al., petitioners, *v.* R. Stanley Dollar, Dollar Steamship Line, The J. Harold Dollar Estates Company, et al. Argument commenced by Mr. Paul A. Sweeney for the petitioners and continued by Mr. Gregory A. Harrison for the respondents and by Mr. Paul A. Sweeney for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 12, will be as follows: Nos. 207, 429, 72, 432, 470 (471, 472, and 473), 457, 431, and 461.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Burton.

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Maurice Kadish, of Seattle, Wash.; Walter B. Venters, of Opelika, Ala.; Erma Griffith Greenwood, of Knoxville, Tenn.; Richard T. Davis, of New York, N. Y.; Joseph M. Bonuso, of Washington, D. C.; Hugh Stuart Center, of San Jose, Calif.; and Eugene Marcus Baynes, of West Palm Beach, Fla., were admitted to practice.

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No. 207. Emory S. Land (Chairman, United States Maritime Commission), et al., petitioners, *v.* R. Stanley Dollar, Dollar Steamship Line, The J. Harold Dollar Estates Company, et al. Argument concluded by Mr. Paul A. Sweeney for the petitioners.

No. 429. The United States of America, petitioner, *v.* Leslie Fullard-Leo, Ellen Fullard-Leo, et al. Argued by Mr. Frederick Bernays Wiener for the petitioner and by Mr. A. G. M. Robertson for the respondents.

No. 72. The Interstate Commerce Commission, appellant, *v.* A. L. Mechling, Doing Business Under the Trade Name and Style of A. L. Mechling Barge Line, et al. Three and one-half hours allowed for argument. Argument commenced by Mr. Daniel H. Kunkle for the appellant and continued by Mr. David O. Mathews for the appellees, the United States and Secretary of Agriculture.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 13, will be as follows: Nos. 72, 432, 470 (and 472), 471 (and 473), 457, 431, and 461.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Burton.

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Max W. Ball, of Washington, D. C.; Thomas G. Gayle, of Selma, Ala.; Lewis Jacobs, of Washington, D. C.; Joseph C. Glazer, of Detroit, Mich.; Wilbert G. Burnette, of Lynchburg, Va.; George F. Fisher, Jr., of San Francisco, Calif.; and Ernest M. Callomon, of Washington, D. C., were admitted to practice.

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No. 72. The Interstate Commerce Commission, appellant, *v. A. L. Mechling, Doing Business Under the Trade Name and Style of A. L. Mechling Barge Line, et al.* Argument continued by Mr. David O. Mathews for the appellees, The United States and Secretary of Agriculture; by Mr. Edward B. Hayes for the appellee, A. L. Mechling, etc.; by Mr. Nuel D. Belnap for the appellee, Inland Waterways Corporation; and concluded by Mr. Daniel H. Kunkel for the appellant.

No. 432. Aetna Casualty & Surety Company and J. A. Jones Construction Company, petitioners, *v. Mrs. Fannie M. Flowers.* Argued by Mr. Clyde W. Key for the petitioners and submitted by Mrs. Fannie M. Flowers, pro se.

No. 470. Daniel F. Rice, Joseph J. Rice, et al., petitioners, *v. Great Lakes Elevator Corporation et al;* and

No. 472. Illinois Commerce Commission et al., petitioners, *v. Great Lakes Elevator Corporation et al.* Argument commenced by Mr. William C. Wines for the petitioners in No. 472 and continued by Mr. Lee A. Freeman for the petitioners in No. 470 and by Mr. Leo F. Tierney for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 14, will be as follows: Nos. 470 (and 472), 471 (and 473), 431, 457, and 461.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Burton.

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Chester H. Gray, of Washington, D. C.; Henry Eaton Wixon, of Washington, D. C.; Edward E. Plusdrak, of Chicago, Ill.; J. Russell Haire, of Newport, R. I.; Alexander G. Teitz, of Newport, R. I.; William Ward Harvey, of Newport, R. I.; William B. Sleigh, Jr., of Boston, Mass.; Linwood E. Lagerson, of Washington, D. C.; I. Winston Mezger, of Baltimore, Md.; H. Allen Mezger, of Baltimore, Md.; William P. Connally, Jr., of Washington, D. C.; John B. Calhoun, of Washington, D. C.; Frederick G. Macdonald, of Washington, D. C.; Alton S. Bradford, of Washington, D. C.; Leon J. Libeu, of Berkeley, Calif.; and William E. Dunn, of Chicago, Ill., were admitted to practice.

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No. 470. Daniel F. Rice, Joseph J. Rice, et al., petitioners, *v.* Great Lakes Elevator Corporation et al.; and

No. 472. Illinois Commerce Commission et al., petitioners, *v.* Great Lakes Elevator Corporation et al. Argument continued by Mr. Leo F. Tierney for the respondents and concluded by Mr. Lee A. Freeman for the petitioners in No. 470.

No. 471. Daniel F. Rice, Joseph J. Rice, et al., petitioners, *v.* Board of Trade of the City of Chicago, a Corporation; and

No. 473. Illinois Commerce Commission et al., petitioners, *v.* Board of Trade of the City of Chicago, a Corporation. Argued by Mr. Lee A. Freeman for the petitioners in No. 471, by Mr. William C. Wines for the petitioners in No. 473, and by Mr. Howard Ellis for the respondent.

No. 431. Alfred Testa and Philip B. Fleming, Temporary Controls Administrator, petitioners, *v.* Harry Katt. Argued by Acting Solicitor General Washington for the petitioners and by Mr. Paul M. Segal for the respondent.

No. 457. C. J. Adams, alias Charlie Adams, petitioner, *v.* The United States of America. Argued by Mr. Thomas G. Gayle for the petitioner and by Mr. Sheldon E. Bernstein for the respondent.

Adjourned until Monday, February 17, next, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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George E. MacKinnon, of Minneapolis, Minn.; Robert K. Dower, of Chicago, Ill.; Joseph D. Malloy, of Washington, D. C.; William Burke Williamson, of Chicago, Ill.; Jack A. Williamson, of Chicago, Ill.; Herbert Pittle, of Washington, D. C.; Floyd L. France, of Washington, D. C.; David Goldman, of Pasadena, Calif.; Harold Cline, of Milford, Utah; John E. Mayo, of Colonial Beach, Va.; Frank J. Meistrell, of New York, N. Y.; William J. DeHoff, of Jacksonville, Fla.; Ernest E. Roberts, of Miami, Fla.; and Felix L. O'Neill, of Denver, Colo., were admitted to practice.

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No. 31. Dr. Furman Angel, petitioner, *v.* W. H. Bullington. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed with costs and case remanded to the District Court of the United States for the Western District of North Carolina for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Reed, in which Mr. Justice Jackson joins. Dissenting opinion by Mr. Justice Rutledge, in which Mr. Justice Jackson joins.

No. 336. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* Portland Terminal Company. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed and case remanded to the District Court of the United States for the District of Maine. Opinion by Mr. Justice Black. Concurring: Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Jackson.

No. 335. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* The Nashville, Chattanooga & St. Louis Railway. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth

Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Middle District of Tennessee. Opinion by Mr. Justice Black. Concurring: Mr. Justice Frankfurter.

No. 190. Zachary Bozza, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment as to count one affirmed. Judgment as to counts two and three reversed and case remanded to the District Court of the United States for the District of New Jersey for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Opinion by Mr. Justice Douglas dissenting as to the affirmance of the judgment on count one in which Mr. Justice Murphy and Mr. Justice Rutledge join.

No. 141. The Confederated Bands of Ute Indians, petitioners, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Frankfurter and Mr. Justice Douglas join.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 9, Original. The State of Illinois, complainant, *v.* The State of Indiana et al. The Special Report of the Special Master as to Shell Oil Company, Incorporated, and The Texas Company is approved. The amended bill of complaint is dismissed as to Shell Oil Company, Incorporated, pursuant to the stipulation entered into by and between the State of Illinois and the State of Indiana, City of East Chicago, City of Hammond, and Shell Oil Company, Incorporated, and as to The Texas Company pursuant to the stipulation entered into by and among the State of Illinois and the State of Indiana, the City of East Chicago and The Texas Company. Costs against Shell Oil Company, Incorporated, and The Texas Company to be taxed hereafter in accordance with the recommendations of the Special Master.

No. 9, Original. The State of Illinois, complainant, *v.* The State of Indiana et al. The Interim Report of the Special Master, dated September 7, 1946, is approved. The Court finds that the course of procedure set forth in the Interim Report, which the Special Master has followed of entering orders staying further proceedings as to particular defendants upon stipulations received in evidence which in the opinion of the Special Master justify such course, is within the

discretion of the Special Master. The Court further finds that the steps set forth in the recommendations of the Special Master in the Interim Report numbered one, two, three, four, five, six, and seven as to procedure for the future disposition of the case, are within the discretion of the Special Master and are approved as appropriate under the special circumstances of this case. The Court therefore orders and directs the Special Master to continue the proceedings in accordance with said recommendations. The Court further orders that the recommendation of the Special Master as to the apportionment of costs be adopted and costs to this date shall be taxed as recommended in the Interim Report. The objections of the Fruit Growers Express Company to the proposed apportionment of costs are overruled.

No. 12, Original. The United States of America, complainant, *v.* The State of California. Three hours is allotted each side for the argument of this case.

No. 102, Misc. Ex parte Joseph Poresky, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 103, Misc. Ex parte Dennis B. Huey, petitioner. The application is denied.

No. 934. Tom C. Clark, Attorney General, as Successor to the Alien Property Custodian, petitioner, *v.* Uebersee Finanz-Korporation, A. G. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

No. 346. Silesian American Corporation, Debtor, and Silesian Holding Company, petitioners, *v.* James E. Markham, Alien Property Custodian. The petition for rehearing is granted. The order entered October 14, 1946, denying certiorari is vacated and the petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is granted. The case is assigned for argument immediately following No. 934. The motion to substitute Tom C. Clark, Attorney General, as successor to Alien Property Custodian, as party respondent is granted.

No. 789. Vacuum Can Company, a Corporation, and Burton O. Smith, petitioners, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 849. Jacob Spevak, Doing Business as J. Spevak and Company, and George Lerian, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 851. Amy H. Varnedoe, petitioner, *v.* Marion H. Allen, Collector of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 881. A. L. Andrews, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 889. Valco Mortgage Company, Inc., John Warren and Marie B. Warren, petitioners, *v.* 536 Broad Street Corporation. Petition for writ of certiorari to the Court of Errors and Appeals, State of New Jersey, denied.

No. 900. G. Harold Earle and Stewart E. Earle, Former Executors of the Estate of Emma Earle, Deceased, and Residuary Beneficiaries of Said Estate, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 725. Kingdon De Normand, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit:

No. 741. Michael J. Quinn, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 949. Dewright Baxter, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 951. Donald M. Turner, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 952. Harry J. Entrican, petitioner, *v.* The People of the State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 957. Harold Bryarly, petitioner, *v.* State of Indiana. On petition for writ of certiorari to the Supreme Court of Indiana:

No. 959. People of the United States of America *ex rel.* Marshall Gollehur, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Knox County, State of Illinois;

No. 962. Roman J. Marcinkowski, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court, Erie County, State of New York;

No. 963. William G. Hayes, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme

Court of Illinois and the Criminal Court of Cook County, State of Illinois;

No. 965. Walter Makowski, petitioner, *v.* Ralph E. Benson, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 977. Joseph Greco, petitioner, *v.* State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 978. Morgan Easter, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Franklin County, Circuit Court of Will County, and Supreme Court, State of Illinois;

No. 979. Victor Von Scherer, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 980. John E. Gawron, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 981. Everett Ross, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 28. Alpine MacGregor, petitioner, *v.* Westinghouse Electric & Manufacturing Company;

No. 70. Edward Katzinger Company, petitioner, *v.* Chicago Metallic Mfg. Company;

No. 71. Edward Katzinger Company, petitioner, *v.* Chicago Metallic Mfg. Company;

No. 92. Walter P. Gardner, Trustee of the Central Railroad Company of New Jersey, petitioner, *v.* The State of New Jersey;

No. 764. Interstate Hotel Company of Nebraska, petitioner, *v.* Remick Music Corporation;

No. 765. Peony Park, petitioner, *v.* M. Witmark & Sons;

No. 766. Lloyd G. Fox, petitioner, *v.* Chappell & Co., Inc.; and

No. 767. Interstate Hotel Company of Nebraska, petitioner, *v.* Jerome Kern and T. B. Harms Company. The petitions for rehearing are denied.

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Adjourned until Monday, March 3, next, at 12 o'clock.

The day call for Monday, March 3, will be as follows: Nos. 343 (and 344 and 345), 543, 430, 443, 461, 418 (and 419), 312, 673, 498, and 593.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Stephen Alexander Nicholas, of Toledo, Ohio; Eugene Thomas Devitt, of Elgin, Ill.; Grace M. Stewart, of Stamford, Conn.; Thomas Johnson Strickler, of Kansas City, Mo.; Richard Henry Chamberlain, of Oakland, Calif.; John J. Allen, Jr., of Oakland, Calif.; Samuel Wm. Yorty, of Los Angeles, Calif.; Stanton G. Dondero, of Royal Oak, Mich.; John W. Griggs, of Paterson, N. J.; John J. Kitchen, of Bridgeport, N. J.; John Grimshaw, Jr., of Paterson, N. J.; Jack Rose, of Fort Smith, Ark.; John Sam Wood, of Fort Smith, Ark.; Mathias H. Heck, of Dayton, Ohio; Julius Schein, of New York, N. Y.; Robert W. Schroader, of Dayton, Ohio; Merritt E. Schlafman, of Dayton, Ohio; Byron M. Gray, of Topeka, Kans.; Herschel A. Hollopeter, of Indianapolis, Ind.; Karl J. Stipher, of Indianapolis, Ind.; and Carl Rachlin, of New York, N. Y., were admitted to practice.

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The Chief Justice said:

"It is my sad duty to announce that on February 22, during the recess of the Court, its Librarian, Mr. Oscar D. Clarke, died.

"Forty-seven years ago this month Mr. Clarke entered the service of this Court as an assistant in its Library and in 1915 he succeeded Mr. Frank K. Green as Librarian. In this post he followed in the footsteps of his father who had been the first Librarian of the Court. His long service, together with that formerly rendered by his father, indicates a traditional family devotion to loyal and efficient discharge of public duty.

"To every undertaking Mr. Clarke brought precise knowledge and broad experience in library science; he was courteous and helpful beyond the scope of prescribed duty. The severance of this long association brings to us a sense of deep sorrow for he had endeared himself to many Justices during the years of his close relationship with the Court.

"The Court records its appreciation of Mr. Clarke's high character and of the effective aid he long rendered to it and expresses its sincere sympathy to his widow and the members of his family."

No. 56. The United States of America, petitioner, *v.* Legh R. Powell, Jr., and Henry W. Anderson, as Receivers of the Properties and Assets of Seaboard Air Line Railway Company; and

No. 57. The United States of America, petitioner, *v.* Atlantic Coast Line Railroad Company. On writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgments affirmed and cases remanded to the District Court of the United States for the Eastern District of Virginia. Opinion by Mr. Justice Douglas. Dissenting: Mr. Justice Rutledge.

No. 400. Northern Pacific Railway Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Western District of Wisconsin. Opinion by Mr. Justice Douglas.

No. 38. National Labor Relations Board, petitioner, *v.* Donnelly Garment Company, Donnelly Garment Workers' Union, et al.; and

No. 39. International Ladies' Garment Workers Union, petitioner, *v.* Donnelly Garment Company, Donnelly Garment Workers' Union, and National Labor Relations Board. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed and cases remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter.

No. 184. A. N. Cone, petitioner, *v.* West Virginia Pulp and Paper Co. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed with costs and case remanded to the District Court of the United States for the Eastern District of South Carolina for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

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The Chief Justice announced the following orders of the Court:

No. 489, October Term 1945. Edward F. Zap, petitioner, *v.* The United States of America. On writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: The motion for leave to file a second petition for rehearing and to recall the mandate is granted. The second petition for rehearing is granted and the judgment entered June 10, 1946, and order denying rehearing entered October 21, 1946, are vacated. The judgment of the Circuit Court of Appeals is reversed and the case is remanded to the District Court with directions to dismiss the indictment. Ballard *v.* United States, No. 37, October Term 1946, decided December 9, 1946. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 457. C. J. Adams, alias Charlie Adams, petitioner, *v.* The United States of America. On writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: The judgment is affirmed.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 105, Misc. Ex parte Leo Loyd Johnson, petitioner;

No. 106, Misc. Ex parte Stanley B. Peplowski, petitioner;

No. 111, Misc. Ex parte N. B. Houghton, petitioner;

No. 112, Misc. Ex parte Luther R. Clark, petitioner; and

No. 113, Misc. Ex parte Howard Walker, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 108, Misc. Ex parte William W. Boehman, petitioner; and

No. 114, Misc. Ex parte Charles Kasper, petitioner. The applications are denied.

No. 109, Misc. Lester Barnard et al., petitioners, *v.* W. C. Jones et al.; and

No. 115, Misc. Ex parte S. Aiken Campbell, petitioner. The petitions for appeal are denied.

No. 643. Ford Motor Company, appellant, *v.* The United States of America; and

No. 644. Commercial Investment Trust Corporation et al., appellants, *v.* The United States of America. The motion for leave to file brief of Associates Investment Company and others as amici curiae is granted.

No. 954. The United States of America, appellant, *v.* James C. Petrillo. In this case probable jurisdiction is noted.

No. 970. Brotherhood of Railroad Trainmen, An Unincorporated Association, appellant, *v.* The Baltimore and Ohio Railroad Company et al. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 862. The United States, petitioner *v.* John J. Felin & Co., Inc. Petition for writ of certiorari to the Court of Claims granted.

No. 847. The United States, petitioner, *v.* The Munsey Trust Company of Washington, D. C., Receiver. Petition for writ of certiorari to the Court of Claims granted.

No. 937. Margaret E. Sherrer, petitioner, *v.* Edward C. Sherrer. Petition for writ of certiorari to the Probate Court for the County of Berkshire, State of Massachusetts, granted.

No. 958. Martin V. B. Coe, petitioner, *v.* Katherine C. Coe. Petition for writ of certiorari to the Probate Court for the County of Worcester, State of Massachusetts, granted.

No. 945. John P. McWilliams, petitioner, *v.* Commissioner of Internal Revenue;

No. 946. Estate of Susan P. McWilliams, Deceased, John P. McWilliams, Executor, petitioner, *v.* Commissioner of Internal Revenue; and

No. 947. Brooks B. McWilliams, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 819. Ben H. Rosenthal & Co., Inc., et al., petitioners, *v.* Paul A. Porter, Price Administrator;

No. 820. Aaron Borin et al., petitioners, *v.* Paul A. Porter, Price Administrator; and

No. 821. Abe Rubin et al., petitioners, *v.* Paul A. Porter, Price Administrator. Petition for writs of certiorari to the United States Emergency Court of Appeals dismissed on motion of counsel for the petitioners.

No. 763. Wabash Railroad Company, petitioner, *v.* J. F. Williamson. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 837. Bernard Licht, Herman J. Licht, and Harry Licht, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 874. Max Louis Peskoe, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 876. Carl Emil Ludwig Krepper, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 890. Smith, Richey & Co., Inc., Eugene Walter, Central Beef Co., et al., petitioners, *v.* Philip B. Fleming, Temporary Controls Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 907. The Texas and Pacific Railway Company, petitioner, *v.* St. Louis Southwestern Railway Company, Debtor. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 910. Jane V. Buckner and Leon Buckner, petitioners, *v.* Fred A. Tweed, Trading as F. A. Tweed Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 935. J. B. Edwards, Ruth Brougher, and Monte Preston, petitioners, *v.* Joseph Dine. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 938. Vulcan Corporation, petitioner, *v.* International Shoe Machine Corporation et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 846. Seaboard Surety Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 848. Commissioner of Internal Revenue, petitioner, *v.* Beulah Eaton McAllister. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 854. Cesario Campa, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 863. Whitman Publishing Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 868. Milton Scott Anthony, petitioner, *v.* State of Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 911. Verna Loyd Garland, petitioner, *v.* The United States of America; and

No. 916. William Anton Wells, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 914. Ogden Dairy Company, petitioner, *v.* Claude R. Wickard, Secretary of Agriculture, United States of America, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 915. Milo Moore, Director of Fisheries of the State of Washington, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 941. Nebraska National Hotel Company, petitioner, *v.* George W. O'Malley, Collector of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 942. Marion H. Allen, Collector of Internal Revenue, petitioner, *v.* The First National Bank & Trust Company in Macon, as Executor Under the Last Will and Testament of Mrs. Floretta S. Ulman (Mrs. E. Ulman), Deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 955. Eastman Kodak Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 964. 7 Fifths Old Grand-Dad Whiskey et al., and W. R. Herndon, Claimant, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 972. Public Service Interstate Transportation Company, petitioner, *v.* Javotte Sutton. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 974. Joe Johnson Roberts, petitioner, *v.* Margaret Elizabeth Roberts and The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 770. The City of Portland, a Municipal Corporation, petitioner, *v.* Public Market Company of Portland et al. The motion to dispense with printing the record is granted. The petition for writ of certiorari to the Supreme Court of Oregon is denied.

No. 742. Mark Bullock, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 806. Irving M. Parker, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 810. John Joseph Lacey, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 834. Thomas Jesse Leonard, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit;

No. 845. Louis Mignogna, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 869. William Roy Miller, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 871. Hayes Turner, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 877. James Morrison, petitioner, *v.* John F. Foster, as Warden of Auburn Prison, Auburn, New York. On petition for writ of certiorari to the Court of Appeals, State of New York;

No. 894. Lee Van Woods, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 939. J. L. Stern, petitioner, *v.* John I. Cox. On petition for writ of certiorari to the Court of Appeals, State of Tennessee;

No. 997. Coy Thompson, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1005. Frank Hayes Ross, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1006. Thomas Samuels, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1007. Robert Harris, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1008. Chester McCollum, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court and Criminal Court of Cook County, State of Illinois;

No. 1009. William Mills, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court and Circuit Court of Will County, State of Illinois;

No. 1010. Roland Barron, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1011. Stanley Kaval, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1012. Wilbur Klein, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1023. Philip R. Bellino and Edward F. Gertsen, petitioners, *v.* Commonwealth of Massachusetts. On petition for writ of certiorari to the Superior Court of Essex County, Commonwealth of Massachusetts;

No. 1032. Valdemar Norwitt, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1037. James Cannata, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Kings County, State of New York; and

No. 1042. Joe Butler, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 182. Howard E. Mackey, petitioner, *v.* The People of the State of New York. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the County

Court of Onondaga County, State of New York, is denied. Mr. Justice Douglas and Mr. Justice Rutledge are of the opinion that the petition should be granted.

No. 1033. Elwyn Barron, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 110, Misc. Ex parte Elwyn Barron, petitioner. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Will County, State of Illinois, is denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 62. Charles B. Morris, petitioner, *v.* Paul F. Jones, Director of Insurance of the State of Illinois;

No. 208. Transparent-Wrap Machine Corporation, petitioner, *v.* Stokes & Smith Company;

No. 690. Insurance Group Committee, Reorganization Committee, Guaranty Trust Company of New York, Trustee, et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al.;

No. 725. Kingdon De Normand, petitioner, *v.* The United States of America;

No. 792. The General Metals Powder Company, petitioner, *v.* The S. K. Wellman Company and S. K. Wellman;

No. 816. Charles C. Patterson, petitioner, *v.* Virginia Electric and Power Company;

No. 826. Julia Camp Brummel, petitioner, *v.* L. F. Dietz and Associates, Inc., a New York Corporation, et al.; and

No. 831. Joseph B. Fleming and Aaron Colnon, Trustees of the Estate of Chicago, Rock Island and Pacific Railway Company, petitioners, *v.* Oklahoma Tax Commission. The petitions for rehearing are denied.

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No. 343. State of New York, State of Delaware, State of Indiana, et al., appellants, *v.* the The United States of America, Interstate Commerce Commission, State of Alabama, et al.;

No. 344. Horace A. Hildreth, Governor of the State of Maine, Charles M. Dale, Governor of the State of New Hampshire, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al.; and

No. 345. The Atchison, Topeka, and Santa Fe Railway Company et al., appellants, *v.* The United States of America, Interstate Commerce Commission, State of Alabama, et al. Eight hours allowed for the argument of these cases. Ernest W. Gibson, Governor of the State of Vermont, Robert F. Bradford, Governor of the Commonwealth of Massachusetts, and James L. McConaughy, Governor of the State of Connecticut, substituted as parties appellant in No. 344 in the place and

stead of Mortimer R. Proctor, Maurice J. Tobin and Raymond E. Baldwin, respectively, on motion of Mr. Henry E. Foley, counsel for the appellants in No. 344. Argument commenced by Mr. Parker McCollester for the appellants in No. 343, and continued by Mr. Henry E. Foley for the appellants in No. 344 and by Mr. Douglas F. Smith for the appellants in No. 345.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 4, will be as follows: Nos. 343 (and 344 and 345), 543, 430, 443, 461, 418 (and 419), 312, 673, 498, and 253 (254, 255, and 256).

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Maurice Friedman, of Washington, D. C.; Leslie E. Riggins, of Newport News, Va.; J. Neely Peacock, Jr., of Albany, Ga.; Thomas Maynard Burgess, of Colorado Springs, Colo.; Stephen Pace, of Americus, Ga.; John B. Bennett, of Ontonagon, Mich.; Richard Andrews MacRae, of Detroit, Mich.; Milton A. Stone, of Boston, Mass.; and Daniel Robert Thomas, Jr., of Chicago, Ill., were admitted to practice.

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No. 1063. O. H. Fischer and Martha Fischer, petitioners, *v.* The City of Oklahoma City, a Municipal Corporation. Time for making service of petition for certiorari, brief, and record extended to a date which is not later than 10 days after the giving of notice by the Clerk of this Court to counsel for the petitioners that the printed record has been delivered to such Clerk.

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No. 343. State of New York, State of Delaware, State of Indiana, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, State of Alabama, et al.;

No. 344. Horace A. Hildreth, Governor of the State of Maine, and Charles M. Dale, Governor of the State of New Hampshire, appellants, *v.* The United States of America, Interstate Commerce Commission, et al.; and

No. 345. The Atchison, Topeka and Santa Fe Railway Company et al., appellants, *v.* The United States of America, Interstate Commerce Commission, State of Alabama, et al. Argument continued by Mr. Douglas F. Smith for the appellants in No. 345; by Mr. Edward H. Miller for the appellee, The United States; by Mr. Daniel W. Knowlton for the appellee, Interstate Commerce Commission; by Mr. J. V. Norman for the appellees, the Southern States and Southern Governors' Conference; and by Mr. Byron M. Gray for the appellees, the State of Arkansas, et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 5, will be as follows: Nos. 343 (and 344 and 345), 543, 430, 443, 461, 418 (and 419), 312, 673, 498, and 253 (and 254, 255, and 256).

SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Harry Evans Templeton, of Los Angeles, Calif.; William S. McKinley, of Carthage, Tenn.; Jere Taylor Tipton, of Chattanooga, Tenn.; Max Barash, of New York, N. Y.; and Frederic D. Anderson, of Indianapolis, Ind., were admitted to practice.

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No. 1095. Philip B. Fleming, Administrator, Office of Temporary Controls, et al., petitioner, *v.* The Moberly Milk Products Company. Time for making service of petition for certiorari, brief, and record extended to a date which is not later than 10 days after the giving of notice by the Clerk of this Court to counsel for the petitioner that the printed record has been delivered to such Clerk.

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No. 343. State of New York, State of Delaware, State of Indiana, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, State of Alabama, et al.;

No. 344. Horace A. Hildreth, Governor of the State of Maine, Charles M. Dale, Governor of the State of New Hampshire, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al.; and

No. 345. The Atchison, Topeka and Santa Fe Railway Company et al., appellants, *v.* The United States of America, Interstate Commerce Commission, State of Alabama, et al. Argument continued by Mr. Byron M. Gray for the appellees, The State of Arkansas et al.; by Mr. Parker McCollester for the appellants in No. 343; and concluded by Mr. Douglas F. Smith for the appellants in No. 345.

No. 543. Federal Power Commission et al., petitioners, *v.* Arkansas Power & Light Company. Argument commenced by Mr. Howard E. Wahrenbrock for the petitioners, continued by Mr. A. J. G. Priest for the respondent and by Mr. Wyatt Cleveland Holland for the State of Arkansas, as *amicus curiae* by special leave of Court, and concluded by Mr. Howard E. Wahrenbrock for the petitioners.

No. 430. The United States of America, petitioner, *v.* Ogilvie Hardware Company, Inc. Argued by Mr. Lee A. Jackson for the petitioner and by Mr. Elias Goldstein for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 6, will be as follows: Nos. 443, 461, 418, 419, 312, 673, 498, 253 (254, 255, and 256), 12 Original, and 585.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Fred N. Howser, of Los Angeles, Calif.; Arthur A. Steffan, of Washington, D. C.; Ralph F. Glenn, of Topeka, Kans.; Arthur M. Sebastian, of Columbus, Ohio; Joseph J. DeRaad, of Sioux City, Iowa; John E. Miklos, of Uniontown, Ala.; Wilmer G. Williams, of Philadelphia, Pa.; George H. Mortimer, of Montclair, N. J.; Alan Dale Riester, of Pittsburgh, Pa.; and Caryl E. Cohen, of Brooklyn, N. Y., were admitted to practice.

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No. 759. The United States of America, petitioner, *v.* United Mine Workers of America, an Unincorporated Association;

No. 760. The United States of America, petitioner, *v.* John L. Lewis, Individually and as President of the United Mine Workers of America;

No. 781. United Mine Workers of America, an Unincorporated Association, petitioner, *v.* The United States of America;

No. 782. John L. Lewis, Individually and as President of the United Mine Workers of America, petitioner, *v.* The United States of America; and

No. 811. United Mine Workers of America, an Unincorporated Association, and John L. Lewis, Individually and as President of the United Mine Workers of America, petitioners, *v.* The United States of America. On writs of certiorari to the United States Court of Appeals for the District of Columbia. The temporary restraining order and the preliminary injunction were properly issued and the actions of the District Court in these respects are affirmed. The judgment against the defendant Lewis is affirmed. The judgment against the defendant union is modified as indicated in the opinion of the Chief Justice, and, as so modified, affirmed. Opinion by Mr. Chief Justice Vinson. Mr. Justice Jackson joins in the opinion of the Chief Justice except as to the Norris-LaGuardia Act which he thinks relieved the courts of jurisdiction to issue injunctions in this class of case. Opinion by Mr. Justice Frankfurter concurring in the judgment. Opinion by Mr. Justice Black and Mr. Justice Douglas con-

curing in part and dissenting in part, announced by Mr. Justice Black. Dissenting opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Rutledge.

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No. 443. Harry O. Pauly, petitioner, *v.* Wilson McCarthy and Henry Swan, Trustees of The Denver and Rio Grande Western Railroad Company. Argued by Mr. Parnell Black for the petitioner and by Mr. W. Q. Van Cott for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 7, will be as follows: Nos. 461, 418, 419, 312, 673, 498, 253 (254, 255, and 256), 12 Original, 585, and 483.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Robert E. Peck, of Washington, D. C.; Edward Preston, of Dallas, Tex.; Nicholas Unkovic, of Pittsburgh, Pa.; Paul J. Winschel, of Pittsburgh, Pa.; Melvin E. B. Karns, of Princeton, N. J.; David Ginsburg, of Huntington, W. Va.; John P. Oliver, of Los Angeles, Calif.; and Edward B. Williams, of Washington, D. C., were admitted to practice.

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No. 461. William Greenough and George Henry Warren, Jr., Trustees, appellants, *v.* Tax Assessors of the City of Newport and Edward L. Leahy, Tax Administrator of the State of Rhode Island. Argument commenced by Mr. William Greenough for the appellants, continued by Mr. William R. Harvey for the appellants, and concluded by Mr. John C. Burke for the appellees.

No. 418. National Labor Relations Board, petitioner, *v.* Jones & Laughlin Steel Corporation. Argued by Miss Ruth Weyand for the petitioner and by Mr. John C. Bane, Jr., for the respondent.

No. 419. National Labor Relations Board, petitioner, *v.* E. C. Atkins and Company. Argument commenced by Miss Ruth Weyand for the petitioner.

Adjourned until Monday, next, at 12 o'clock.

The day call for Monday, March 10, will be as follows: Nos. 419, 312, 673, 498, 253 (254, 255, and 256), 12 Original, 585, 483, 512, and 583.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Virgil F. Mills, of Canton, Ohio; Edgar W. Jones, of Canton, Ohio; D. Bruce Mansfield, of Canton, Ohio; S. O. Meyer, of Butte, Mont.; Owen W. Crumpacker, of Hammond, Ind.; Allan E. Charles, of San Francisco, Calif.; Dennis A. Flinn, of Washington, D. C.; Maurice M. Briggs, of Chicago, Ill.; and Ewell H. Muse, Jr., of Austin, Tex., were admitted to practice.

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No. 658. Packard Motor Car Company, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Circuit of Appeals for the Sixth Circuit. Judgment of enforcement affirmed and case remanded to the Circuit Court of Appeals. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Douglas in which the Chief Justice and Mr. Justice Burton concur. Mr. Justice Frankfurter agrees with the opinion of Mr. Justice Douglas except the part marked "First" as to which he expresses no view.

No. 93. Gulf Oil Corporation, petitioner, *v.* Cornelius Gilbert, Doing business Under the Firm Name and Style of Gilbert Storage & Transfer Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs and case remanded to the District Court of the United States for the Southern District of New York for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting: Mr. Justice Reed and Mr. Justice Burton. Dissenting opinion by Mr. Justice Black in which Mr. Justice Rutledge joins.

No. 206. Eugene Koster, petitioner, *v.* (American) Lumbermen's Mutual Casualty Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and case remanded to the District Court of the United States for the Eastern District of New York. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Black in which Mr. Justice Rutledge joins. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Burton joins.

No. 265. Frank A. Cardillo, Deputy Commissioner, United States Employees' Compensation Commission, petitioner, *v.* Liberty Mutual Insurance Company, E. C. Ernst, Inc., and Virginia C. Ticer. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and case remanded to the District Court of the United States for the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Mr. Justice Frankfurter concurs in the result. Dissenting: Mr. Justice Jackson and Mr. Justice Burton.

No. 432. Aetna Casualty & Surety Company and J. A. Jones Construction Company, petitioners, *v.* Mrs. Fannie M. Flowers. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 6. United Brotherhood of Carpenters and Joiners of America, petitioner, *v.* The United States of America;

No. 7. The Bay Counties District Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America et al., petitioners, *v.* The United States of America;

No. 8. Lumber Products Association, Inc., Acme Manufacturing Co., Inc., Eureka Sash, Door & Moulding Mills, et al., petitioners, *v.* The United States of America;

No. 9. Alameda County Building and Construction Trades Council, petitioner, *v.* The United States of America; and

No. 10. Boorman Lumber Company, Hogan Lumber Company, Loop Lumber & Mill Company, et al., petitioners, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgments reversed and cases remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Justice Jackson took no part in the consideration or decision of these cases. Opinion by Mr. Justice Frankfurter, with whom the Chief Justice and Mr. Justice Burton concur in the result, dissenting.

No. 29. Lazarus Joseph, Comptroller of the City of New York, and Spencer C. Young, Treasurer of the City of New York, petitioners, *v.* Carter & Weekes Stevedoring Company; and

No. 30. Lazarus Joseph, Comptroller of the City of New York, and Spencer C. Young, Treasurer of the City of New York, petitioners, *v.* John T. Clark & Son. On writs of certiorari to the Supreme Court of the State of New York. Judgments affirmed with costs. Opinion by Mr. Justice Reed. Dissenting: Mr. Justice Black. Opin-

ion by Mr. Justice Douglas dissenting in part in which Mr. Justice Rutledge concurs. Mr. Justice Murphy joins in the dissent of Mr. Justice Douglas except as to the second part.

No. 69. American Stevedores, Inc., petitioner, *v.* Rosario Porello and The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree of Circuit Court of Appeals affirmed as to Porello. So much of decree as awards indemnity to the United States under the contract is reversed and case remanded to the District Court of the United States for the Southern District of New York for determination of the meaning of the contract in question. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice concurs.

No. 514. The United States of America *v.* Maria R. Lauro, as Administratrix of the Goods, Chattels, and Credits of Peter Lauro, Deceased. On certificate from the United States Circuit Court of Appeals for the Second Circuit. Question certified answered as follows: The word "damages" as used in 46 U. S. C., Sec. 781, includes damages under Secs. 130-134 of the Decedent Estate Law of the State of New York recoverable by a personal representative because of the death of a human being. Opinion by Mr. Justice Reed.

No. 431. Alfred Testa and Philip B. Fleming, Temporary Controls Administrator, petitioners, *v.* Harry Katt. On writ of certiorari to the Superior Court for Providence and Bristol Counties, State of Rhode Island. Judgment reversed and case remanded to the Superior Court for Providence and Bristol Counties for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

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The Chief Justice announced the following orders of the Court:

No. 443. Harry O. Pauly, petitioner, *v.* Wilson McCarthy and Henry Swan, Trustees of The Denver and Rio Grande Western Railroad Company. On writ of certiorari to the Supreme Court of Utah. *Per curiam*: Judgment reversed. *Bailey v. Central Vermont Railway*, 319 U. S. 350; *Ellis v. Union Pacific R. R. Co.*, No. 320, October Term 1946, decided February 3, 1947.

No. 543. Federal Power Commission et al., petitioners, *v.* Arkansas Power & Light Company. On writ of certiorari to the United States Court of Appeals for the District of Columbia. *Per curiam*: Judgment reversed on the ground that respondent has failed to exhaust its administrative remedies. *Myers v. Bethlehem Shipbuilding Corp'n*, 303 U. S. 41; *Macauley v. Waterman S. S. Corp'n*, 327 U. S. 540.

No. 1027. Boeing Aircraft Company, appellant, *v.* King County, Washington, a Municipal Corporation, et al.; and

No. 1028. Boeing Aircraft Company, appellant, *v.* King County, Washington, a Municipal Corporation, et al. Appeals from the Supreme Court of Washington. *Per curiam*: In No. 1027, the appeal is dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by sec. 237 (c) of the Judicial Code, as amended, 28 U. S. C., sec. 344 (c), certiorari is denied. In No. 1028, the appeal is dismissed for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. 1031. Kenneth W. Colegrove, Peter J. Chamales, and Jerome G. Kerwin, appellants, *v.* Edward J. Barrett, as Secretary of State of the State of Illinois, etc., et al. Appeal from the District Court of the United States for the Northern District of Illinois. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. In view of the Court's refusal to grant rehearing in *Colegrove v. Green*, 328 U. S. 549, rehearing denied, 329 U. S. —, and its dismissal of the appeals in *Cook v. Fortson and Turman v. Duckworth*, 329 U. S. —, rehearing denied, 329 U. S. —, Mr. Justice Rutledge concurs in the dismissal of this appeal. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy are of the opinion that probable jurisdiction should be noted.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 117, Misc. *Ex parte* Benno Seibold, petitioner. The application is denied.

No. 12, Original. The United States of America, complainant, *v.* The State of California. The applications of the National Association of Attorneys General and the American Association of Port Authorities for leave to present oral argument as amici curiae are denied. The motion for leave to file brief of Robert E. Lee Jordan as amicus curiae is granted. Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 483. Thomas A. Murray, petitioner, *v.* Philip B. Fleming, Temporary Controls Administrator. Writ of certiorari to the Circuit

Court of Appeals for the First Circuit dismissed on motion of counsel for the petitioner.

No. 540. Nelson Foster and George Payne, petitioners, *v.* The People of the State of Illinois. It is ordered that Charles R. Kaufman, Esquire, of Chicago, Ill., be appointed to serve as counsel for the petitioners in this case.

No. 625. Peter Caldarola, petitioner, *v.* Gerda Eckert and Thor Eckert, Jr., Partners Doing Business Under the Firm Name of Thor Eckert & Co. The motion of International Longshoremen's and Warehousemen's Union for leave to file brief as amicus curiae is granted.

No. 1003. Aero Mayflower Transit Company, appellant, *v.* Board of Railroad Commissioners of the State of Montana et al.; and

No. 1030. The United States of America, appellant, *v.* Scopphony Corporation of America et al. In these cases probable jurisdiction is noted.

No. 861. Priebe & Sons, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 922. Federal Trade Commission, petitioner, *v.* The Cement Institute et al.;

No. 923. Federal Trade Commission, petitioner, *v.* Aetna Portland Cement Company et al.;

No. 924. Federal Trade Commission, petitioner, *v.* Marquette Cement Manufacturing Company;

No. 925. Federal Trade Commission, petitioner, *v.* Calavaras Cement Company et al.;

No. 926. Federal Trade Commission, petitioner, *v.* Huron Portland Cement Company;

No. 927. Federal Trade Commission, petitioner, *v.* Superior Portland Cement, Inc.;

No. 928. Federal Trade Commission, petitioner, *v.* Northwestern Portland Cement Company;

No. 929. Federal Trade Commission, petitioner, *v.* Riverside Cement Company;

No. 930. Federal Trade Commission, petitioner, *v.* Universal Atlas Cement Company;

No. 931. Federal Trade Commission, petitioner, *v.* California Portland Cement Company;

No. 932. Federal Trade Commission, petitioner, *v.* Monolith Portland Cement Company et al.; and

No. 933. Federal Trade Commission, petitioner, *v.* Blaine S. Smith et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 967. Joseph F. Maggio, petitioner, *v.* Raymon Zeitz, as Trustee in Bankruptcy of Luma Camera Service, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 827. Southern Pacific Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 860. The United States, petitioner, *v.* The Illinois Pure Aluminum Company. Petition for writ of certiorari to the Court of Claims denied.

No. 899. John L. Kinnison, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 950. Granville C. Morton, petitioner, *v.* Kate Thomas, as Community Survivor of the Estate of W. A. Thomas, Deceased, Former Collector of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 953. The Sanitary District of Chicago, petitioner, *v.* Activated Sludge, Inc., Activated Sludge, Ltd., Edgar C. Guthard, et al., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 982. The Pure Oil Company, petitioner, *v.* Petrolite Corporation, Ltd. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 986. Joseph E. Seagram & Sons, Inc., petitioner, *v.* Isadore Levin. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 988. Ambassador Management Corporation et al., etc., petitioners, *v.* Incorporated Village of Hempstead. Petition for writ of certiorari to the Supreme Court, Second Appellate Division, State of New York, denied.

No. 1014. Ethel S. Garrett and George A. Garrett, petitioners, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1018. Simon L. Fisch, as Trustee in Bankruptcy of Joseph Rosen, et al., Bankrupts, petitioners, *v.* Standard Factors Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 960. Charles Kaufman, petitioner, *v.* The People of the State of New York. The motion to dispense with the printing of the stenographer's minutes is granted. The petition for writ of certiorari to the County Court of Kings County, State of New York, is denied.

No. 879. Southern Pacific Company, a Railroad Corporation, Intervenor, petitioner, *v.* Berryman Henwood, as Trustee of St. Louis Southwestern Railway Company Lines, et al.;

No. 909. Walter E. Meyer, Intervenor, petitioner, *v.* Berryman Henwood, as Trustee of St. Louis Southwestern Railway Company Lines, et al.; and

No. 936. St. Louis Southwestern Railway Company, petitioner, *v.* Berryman Henwood, as Trustee of St. Louis Southwestern Railway Company Lines, et al. The petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit are denied. Mr. Justice Frankfurter took no part in the consideration or decision of these applications. Mr. Justice Douglas is of the opinion that the petition for certiorari in No. 909 should be granted.

No. 824. James A. Lovvorn, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 865. Louis Monsky and Gustave Monsky, petitioners, *v.* People of the State of New York. On petition for writ of certiorari to the County Court of Nassau County, State of New York;

No. 882. Harry Albert Kirk, petitioner, *v.* Robert A. Heinze, Warden, California State Prison at Folsom, California. On petition for writ of certiorari to the Supreme Court of California;

No. 891. Patrick Henry Watkins, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. On petition for writ of certiorari to the Supreme Court of Appeals, Commonwealth of Virginia;

No. 895. Leonard Habermann, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Court of General Sessions of New York County, State of New York;

No. 897. Earle E. Kynette, petitioner, *v.* Clinton T. Duffy, Warden, etc. On petition for writ of certiorari to the Supreme Court of California;

No. 984. Robert Mandell, petitioner, *v.* Clinton T. Duffy, Warden, etc. On petition for writ of certiorari to the Supreme Court of California;

No. 1039. Walter Leo Rhodes, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1053. Isadore Burner, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Adams County, State of Illinois;

No. 1054. Frank Brancato, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 1056. Wallace Thompson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 52. Arch R. Everson, appellant, *v.* Board of Education of the Township of Ewing, In the County of Mercer, et al.; and

No. 832. Ella H. Tinkoff, Debtor, and Paysoff Tinkoff, claimant, petitioners, *v.* Ben Gold, Trustee, Louis Cohen, Attorney for Trustee, et al. The petitions for rehearing are denied.

No. 706. George Small, petitioner, *v.* Walter B. Martin, Warden, etc. Leave to file a second petition for rehearing is denied.

No. 825. Osmond Y. Ladd and Paul H. Todd, petitioners, *v.* Bartholomew A. Brickley, Trustee of International Hydro Electric System, Securities & Exchange Commission, et al. The petition for rehearing is denied. Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 854. Cesario Campa, petitioner, *v.* The United States of America. The application for a stay is denied. The petition for rehearing is also denied.

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The Court will take a recess from Monday, March 17, until Monday, March 31, next.

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No. 419. National Labor Relations Board, petitioner, *v.* E. C. Atkins and Company. Argument continued by Miss Ruth Weyand for the petitioner and by Mr. Frederic D. Anderson for the respondent and concluded by Miss Ruth Weyand for the petitioner.

No. 312. The United States of America, petitioner, *v.* Albert Silk, Doing Business as Albert Silk Coal Company. Argued by Mr. Robert L. Stern for the petitioner and by Mr. Ralph F. Glenn for the respondent.

No. 673. Carter H. Harrison, Individually and as Collector of Internal Revenue, petitioner, *v.* Greyvan Lines, Inc. Argument commenced by Mr. Robert L. Stern for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 11, will be as follows: Nos. 673, 498, 253 (254, 255, and 256), 12 Original, 585, 483, 512, 583, 625, and 680.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Gladys M. Wied, of Benton, Ark.; T. Fergus Redmond, of New York, N. Y.; James K. Hughes, of New Philadelphia, Ohio; Louis G. Greenfield, of New York, N. Y.; Francis L. Brown, of New York, N. Y.; Robert D. Brooks, of New York, N. Y.; John P. Boyd, Jr., of Seattle, Wash.; Julius L. Kabaker, of Chicago, Ill.; and Robert A. Wilson, of Washington, D. C., were admitted to practice.

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No. 12, original. The United States of America, complainant, *v.* The State of California. Leave granted the American Association of Port Authorities and National Association of Attorneys General to present oral argument as amici curiae within the time allowed the State of California.

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No. 673. Carter H. Harrison, Individually and as Collector of Internal Revenue, petitioner *v.* Greyvan Lines, Inc. Argument continued by Mr. Robert L. Stern for the petitioner, by Mr. Wilbur E. Benoy for the respondent, and concluded by Mr. Robert L. Stern for the petitioner.

No. 498. The United States of America, petitioner, *v.* Honorable William F. Smith, a District Judge Especially Designated and Assigned to Hold the District Court of the United States for the Middle District of Pennsylvania et al. Argued by Mr. Douglas W. McGregor for the petitioner and by Mr. Robert T. McCracken for the respondent, John Memolo. No appearance for respondent, Honorable William F. Smith, District Judge.

No. 253. The United States of America, appellant, *v.* The Pullman Company et al.;

No. 254. Otis & Co., appellant, *v.* The United States of America, et al.;

No. 255. The Chesapeake & Ohio Railroad Company et al., appellants, *v.* The United States of America et al.; and

No. 256. Glore, Forgan & Co., appellant, *v.* The United States of America et al. Six and one-half hours allowed for argument. Argument commenced by Mr. Albert Holmes Baldrige for the United States and continued by Mr. Robert J. Bulkley for the Chesapeake & Ohio Railroad Company, et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 12, will be as follows: Nos. 253 (254, 255, and 256), 12 original, 585, 512, 583, and 625.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Nathaniel H. Rubin, of Detroit, Mich.; Gene M. Woodfin, of Houston, Tex.; Millard W. Rice, of Chevy Chase, Md.; Cora Boughton Keenan, of Philadelphia, Pa.; Charles W. Rivoire, of New York, N. Y.; Allen C. Hutcheson, Jr., of Houston, Tex.; William M. Keenan, of Philadelphia, Pa.; David Dana Hochstein, of Rochester, N. Y.; James L. HornBostel, of Springfield, Mo.; William Macy Marvel, of Medford, Mass.; Sutherland G. Taylor, 3d, of McLean, Va.; and Lorenzo Lee Bean, Jr., of South Hill, Va., were admitted to practice.

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No. 253. The United States of America, appellant, *v.* The Pullman Company et al.;

No. 254. Otis & Co., appellant, *v.* The United States of America et al.;

No. 255. The Chesapeake & Ohio Railroad Company et al., appellant, *v.* The United States of America et al.; and

No. 256. Glore, Forgan & Co., appellant, *v.* The United States of America et al. Argument continued by Mr. Thurman Arnold for Otis & Co.; by Mr. Leo F. Tierney for Glore, Forgan & Co.; by Mr. Jacob Aronson for the Railroad appellees; by Mr. George Wharton Pepper for appellees, Pullman Company et al.; and by Mr. Robert J. Bulkley for the Chesapeake & Ohio Railroad Co. et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 13, will be as follows: Nos. 253 (254, 255, and 256), 12 Original, 585, and 625.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Edgar Thomas Buckley, of Minneapolis, Minn.; Samuel Barker, of Washington, D. C.; David Abraham Gaskill, of Cleveland, Ohio; Roy F. Allan, of Billings, Mont.; Stanley M. Riesner, of Alexandria, Va.; Isaiah H. Spears, of Pasadena, Calif.; Llewellyn C. Thomas, of Washington, D. C.; Arthur Murray Preston, of Washington, D. C.; George Bowdoin Craighill, Jr., of Washington, D. C.; Leonard S. Strahan, of Lovell, Wyo.; Herbert Ferster, of New York, N. Y.; and Arthur J. Gang, of New York, N. Y., were admitted to practice.

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No. 253. The United States of America, appellant, *v.* The Pullman Company et al.;

No. 254. Otis & Co., appellant, *v.* The United States of America et al.;

No. 255. The Chesapeake & Ohio Railroad Company et al., appellant, *v.* The United States of America et al.; and

No. 256. Glore, Forgan & Co., appellant, *v.* The United States of America et al. Argument concluded by Mr. Albert Holmes Baldrige for the United States.

No. 12, original. The United States of America, complainant, *v.* The State of California. Six hours allowed for argument. Argument commenced by Mr. Attorney General Clark and continued by Mr. Arnold Raum for the complainant, by Mr. Fred N. Howser for the defendant, and by Mr. Leander I. Shelley for the American Association of Port Authorities, as *amicus curiae*, by special leave of Court.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 14, will be as follows: Nos. 12 original, and 585.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Lewis E. Barnes, of Washington, D. C.; Richard M. Nixon, of Whittier, Calif.; and George R. Gallagher, of Albany, N. Y., were admitted to practice.

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No. 12, Original. The United States of America, complainant, *v.* The State of California. Argument continued by Mr. William W. Clary for the defendant; by Mr. Price Daniel for the National Association of Attorneys General, as amicus curiae, by special leave of Court; and concluded by Mr. Arnold Raum for the complainant.

No. 585. The United States of America, appellant, *v.* Lem Hoy, alias Lim Hoy. Argued by Mr. Peyton Ford for the appellant. Case submitted by Mr. Henry G. Bodkin for the appellee.

Adjourned until Monday, March 17, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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The Court met in Special Term pursuant to a call by the Chief Justice having the approval of all the Associate Justices.

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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No. —, October Term 1946. The Times-Mirror Company, Norman Chandler, F. R. Marx, Jerry Cohen, and A. A. Kurze, petitioners, *v.* National Labor Relations Board. Upon consideration of the application of counsel for the petitioners in the above-entitled cause, It is ordered that execution and enforcement of the order of the Circuit Court of Appeals for the Ninth Circuit, entered herein on March 10, 1947, be, and the same hereby is, stayed pending the filing, consideration, and disposition of a petition for writ of certiorari to review the said order providing such petition is filed on or before March 28, 1947. In the event the petition for writ of certiorari is granted, then this stay is to continue pending the final disposition of the case by this Court.

It is further ordered that the stay herein ordered shall be effective and operative only on the condition that petitioners shall file herein a bond in the sum of Five Thousand Dollars (\$5,000) with good and sufficient surety to be approved by a judge of the United States Circuit Court of Appeals for the Ninth Circuit, conditioned that if petitioners herein fail to make application for such writ of certiorari within the time limited therefor, or fail to obtain an order granting their application, or fail to make good their plea in the Supreme Court of the United States, they shall answer for all damages and costs which the National Labor Relations Board or other persons who may be injured may sustain by reason of this stay.

It is further ordered that the printing of the record for the purpose of the consideration of the application for the writ of certiorari be dispensed with.

Adjourned until Monday, March 17, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Roland F. O'Bryen, of St. Louis, Mo.; Robert F. Schlafly, of St. Louis, Mo.; Maude Ellen White, of Washington, D. C.; Edward Abbe Niles, of New York, N. Y.; Lyman W. Sherwood, of Chicago, Ill.; M. J. Sternberg, of Jamestown, Ky.; Jesse H. Chessin, of Washington, D. C.; Vincent A. Primerano, of New Rochelle, N. Y.; Stephen J. Kovrak, of Philadelphia, Pa.; Wesley S. Williams, of Washington, D. C.; Arthur Markowitz, of York, Pa.; Judson E. Ruch, of York, Pa.; William J. Donahue, of Pasadena, Calif.; James A. McKenna, Jr., of Washington, D. C.; James Arthur Smith, of Washington, D. C.; and Isadore Waxman, of Newark, N. J., were admitted to practice.

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No. 417. United States Department of Agriculture, Emergency Crop and Feed Loans, petitioner, *v.* George G. Remund, as Administrator of the Estate of Wilhelm Buttko, Deceased. On writ of certiorari to the Supreme Court of the State of South Dakota. Judgment reversed and case remanded for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Murphy, announced by Mr. Justice Rutledge. Dissenting: Mr. Justice Douglas.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 11, original. The State of Georgia, complainant, *v.* The Pennsylvania Railroad Company, et al. The motion of the State of Alabama for leave to file a petition of intervention is referred to the Special Master for a Special Report at his earliest convenience.

No. 12, original. The United States of America, complainant, *v.* The State of California. The motion for leave to file reply brief of Robert E. Lee Jordan as amicus curiae is granted. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 119, Misc. Ex parte Frank Copeland, petitioner; and

No. 120, Misc. Ex parte Clarence B. Bernard, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 759. The United States of America, petitioner, *v.* United Mine Workers of America, an Unincorporated Association;

No. 760. The United States of America, petitioner, *v.* John L. Lewis, Individually and as President of the United Mine Workers of America;

No. 781. United Mine Workers of America, an Unincorporated Association, petitioner, *v.* The United States of America;

No. 782. John L. Lewis, Individually and as President of the United Mine Workers of America, petitioner, *v.* The United States of America; and

No. 811. United Mine Workers of America, an Unincorporated Association, and John L. Lewis, Individually and as President of the United Mine Workers of America, petitioners, *v.* The United States of America. On consideration of the motion of the United States for the issuance of the mandate in these cases prior to the expiration of the 25-day period provided in Rule 34, it is ordered that the mandate issue March 20, 1947.

No. 1035. The United States of America, appellant, *v.* Yellow Cab Company, Chicago Yellow Cab Company, Inc., et al. In this case probable jurisdiction is noted.

No. 901. G. Harold Earle, petitioner, *v.* Commissioner of Internal Revenue;

No. 902. Stewart E. Earle, petitioner, *v.* Commissioner of Internal Revenue;

No. 903. G. Harold Earle, petitioner, *v.* Commissioner of Internal Revenue; and

No. 904. Stewart E. Earle, petitioner, *v.* Commissioner of Internal Revenue. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit dismissed per stipulation on motion of counsel for the petitioners.

No. 944. Herman Bloch, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 973. Pioneer Mill Company, Limited (a Hawaiian Corporation), petitioner, *v.* Victoria Ward, Ltd., Victoria Kathleen Ward, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 983. Samuel Allen, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 989. Hal Peterson, Charles Peterson, Taylor Cummins, et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 990. Morton Friedman, petitioner, *v.* Lewis B. Schwellenbach, Individually and as Secretary of Labor, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 991. Edward S. Cannon and Charles Smith, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 992. Atlantic Coast Line Railroad Company, petitioner, *v.* Laura Moss. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1001. Nowlin Randolph, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1002. D. M. W. Contracting Co., Inc., Hartford Accident and Indemnity Company, et al., petitioners, *v.* C. R. Stolz. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 794. Charles (Pete) Blue, petitioner, *v.* The State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied. Mr. Justice Murphy and Mr. Justice Rutledge are of the opinion that the petition for certiorari should be granted.

No. 976. Royal Packing Company, petitioner, *v.* Paul A. Porter, Price Administrator, Office of Price Administration. The motion to substitute Philip B. Fleming, Temporary Controls Administrator, as the party respondent is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit is denied.

No. 815. Stephen T. Povich, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 878. Willis Rogers, petitioner, *v.* P. J. Squier, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 888. Cecil S. Lucas, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 1055. James Ernest, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1066. Clyde Forsythe, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 1089. Victor Von Scherer, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 1045. Lawrence E. Cook, petitioner, *v.* The State of Indiana. On petition for writ of certiorari to the Supreme Court of Indiana; and

No. 116, Misc. Ex parte Lawrence E. Cook, petitioner;

No. 1073. Fred Elliott, petitioner, *v.* The People of the State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan; and

No. 118, Misc. Ex parte Fred Elliott, petitioner. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied. The motions for leave to file petitions for writs of habeas corpus are also denied.

No. 553. John J. Cartner, petitioner, *v.* The People of the State of New York; and

No. 804. Kurt Mertig, petitioner, *v.* The People of the State of New York; and

No. 805. Ernest Elmhurst, petitioner, *v.* The People of the State of New York. The petitions for rehearing are denied.

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Adjourned until Monday, March 31, next, at 12 o'clock.

The day call for Monday, March 31, will be as follows: Nos. 625, 840, 535, 512, 583, 606, 680, 731 (and 732), 377 (and 452), and 682.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Raymond E. Daily, of Waverly, Ohio; Earl D. Parker, of Waverly, Ohio; Herbert R. Elsas, of Atlanta, Ga.; M. J. Cofer, of Waverly, Ohio; John F. Lang, of New York, N. Y.; George W. Rittenour, of Piketon, Ohio; George D. Nye, of Waverly, Ohio; Nevin L. Bitner, of Lancaster, Pa.; Louis James Harris, of New York, N. Y.; Leo Louis Gairaud, of San Jose, Calif.; Leo Freedman, of New York, N. Y.; Willard Schwartz, of New York, N. Y.; Birt C. Byrd, of Jacksonville, Fla.; Earl F. Halverson, of Chicago, Ill.; Ellsworth Alfred Moats, of Chillicothe, Ohio; and Max Bergman, of Los Angeles, Calif., were admitted to practice.

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No. 22. Max Levinson, petitioner, *v.* Spector Motor Service, a Corporation. On writ of certiorari to the Supreme Court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Black and Mr. Justice Murphy join.

No. 41. Pyramid Motor Freight Corporation, petitioner, *v.* Murray Ispass, Max Granofsky, Harry Brownstein, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of Circuit Court of Appeals vacated insofar as it relates to the respondents other than Shapiro and case remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Burton.

No. 49. Hans Max Haupt, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Jackson. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Murphy.

No. 270. Industrial Commission of Wisconsin, Leo Thomas Kopp, and State of Wisconsin, petitioners, *v.* E. E. McCartin and Continen-

tal Casualty Company. On writ of certiorari to the Supreme Court of the State of Wisconsin. Judgment reversed with costs and case remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Murphy. Mr. Justice Rutledge concurs in the result.

No. 453. The Penfield Company of California and A. W. Young, petitioners, *v.* Securities and Exchange Commission. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Writ of certiorari dismissed as to Penfield Company, Judgment affirmed and case remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson concurs.

No. 384. People of the State of New York *ex rel.* Rose Halvey, petitioner, *v.* John F. Halvey, Custodian of John Arthur Halvey. On writ of certiorari to the Court of Appeals of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Douglas. Mr. Justice Jackson concurs in the result. Concurring opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Rutledge.

No. 291. Marion B. Kotch, John L. Richards, Adolph Clark, et al., appellants, *v.* Board of River Port Pilot Commissioners for the Port of New Orleans et al. Appeal from the Supreme Court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Reed, Mr. Justice Douglas, and Mr. Justice Murphy join.

No. 72. The Interstate Commerce Commission, appellant, *v.* A. L. Mechling, Doing Business Under the Trade Name and Style of A. L. Mechling Barge Line, Inland Waterways Corporation, The Secretary of Agriculture, War Food Administrator, and The United States of America. Appeal from the District Court of the United States for the Northern District of Illinois. Decree affirmed. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Frankfurter joins.

Mr. 564. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* The General Industries Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Northern District of Ohio. Opinion by Mr. Chief Justice Vinson. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Black and Mr. Justice Murphy join.

The Chief Justice announced the following orders of the Court:

## ORDER

IT IS ORDERED by the Court that Miss Helen Newman be, and she is hereby, appointed Librarian of this Court in the place of Oscar D. Clarke, deceased.

No. 253. The United States of America, appellant, *v.* The Pullman Company et al.;

No. 254. Otis & Co., appellant, *v.* The United States of America et al.;

No. 255. The Chesapeake & Ohio Railroad Company et al., appellant, *v.* The United States of America et al.; and

No. 256. Glore, Forgan & Co., appellant, *v.* The United States of America et al. Appeals from the District Court of the United States for the Eastern District of Pennsylvania. *Per curiam*: The Judgment is affirmed by an equally divided Court. Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 880. Robert J. Swem, petitioner, *v.* The People of the State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan. *Per curiam*: The petition for writ of certiorari is granted. The judgment is vacated and the cause is remanded to the Supreme Court of Michigan in order to enable it to reexamine its decision in the light of *De Meerleer v. People of the State of Michigan*, No. 140, October Term 1946, decided February 3, 1947.

No. 1091. C. W. Falwell, Jr., and Falwell Fast Freight, Inc., appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Western District of Virginia. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. Secs. 5 and 17, Interstate Commerce Act, 54 Stat. 905, 913, 49 U. S. C., Secs. 5 and 17.

No. 1096. Mrs. Mattie L. Smith appellant, *v.* Jefferson County, Georgia, etc., et al. Appeal from the Supreme Court of Georgia. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by sec. 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. 1110. Grand Lodge Hall Association, I. O. O. F. of Indiana, a Corporation, et al., appellants, *v.* Ralph F. Moore, as Auditor of Marion County, Indiana, et al. Appeal from the Supreme Court of Indiana. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. *Wisconsin & Michigan Ry. Co. v. Powers*, 191 U. S. 379.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 9, original. The State of Illinois, complainant, *v.* The State of Indiana et al. An order is entered fixing the compensation and allowing the expenses of the Special Master as of September 7, 1946.

No. 104, Misc. In Re Disbarment of Nathan A. Dobbins. It having been reported to the Court that Nathan A. Dobbins, of Washington, D. C., has been disbarred from the practice of the law by the District Court of the United States for the District of Columbia; and this Court by order of February 3, 1947, having suspended the said Nathan A. Dobbins from the practice of the law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred; And it appearing that the said rule was duly issued and served upon the respondent who has filed a return thereto; now, upon consideration of the rule to show cause and the return aforesaid; It is ordered that the said Nathan A. Dobbins be, and he is hereby, disbarred, and that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. 128, Misc. In Re Disbarment of Leonard Eriksson. It having been reported to the Court that Leonard Eriksson, admitted to the bar of this Court from Fergus Falls, Minnesota, has been disbarred from the practice of law by the Supreme Court of the State of Minnesota; It is ordered that the said Leonard Eriksson be, and he is hereby, suspended from the practice of law in this Court, and that a rule issue, returnable within forty (40) days from March 31, 1947, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 121, Misc. Ex parte Dewey White, petitioner; and

No. 123, Misc. Ex parte John Wells, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 122, Misc. Ex parte Joseph Poresky, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 124, Misc. Ex parte Standard Oil Company of Indiana, petitioner. The motion for leave to file petition for writ of mandamus and/or prohibition and/or certiorari is denied.

No. 141. The Confederated Bands of The Ute Indians, petitioners, *v.* The United States. It is ordered that the opinion announced February 17, 1947, be, and the same hereby is, amended as follows: (1) Lines 25 through 35 of page 4 are amended to read: "Pursuant to an act of 1909, 35 Stat. 781, petitioners recovered a judgment for the proceeds of certain lands sold by the Government, as well as the value

of certain lands appropriated by the Government to its own use, all of which were part of the 1868 treaty lands. *The Ute Indians v. United States*, 45 Ct. Cls. 440, 46 Ct. Cls. 225. Thus, except for certain treaty lands not at issue here, litigation concerning which is now pending in the Court of Claims, the only lands in Colorado for which the Indians have not been paid are those to the north of and outside the 1868 treaty reservation which were made available to them by the Executive Order of 1875." (2) The sentence beginning on line 5 of page 6 is amended to read: "It is conceded that the petitioners have either been, or are currently pressing litigation in the Court of Claims by which they seek to be, compensated for the White River Valley lands, and in fact, for all of the land which was contained in the true boundaries of the 1868 reservation." (3) The sentence beginning on line 2 of page 7 is amended to read: "For the Indians' enjoyment of the White River lands was protected during their stay on the reservation, and the lands have either already been paid for, or are the subject of pending litigation in the Court of Claims whereby the Indians seek payment for them."

No. 288. *Sid W. Richardson et al., petitioners, v. Keith Kelly, Receiver.* The motion of petitioner to retax costs is denied.

No. 385. *Atlantic Coast Line Railroad Company, appellant, v. M. E. Thompson, State Revenue Commissioner of the State of Georgia.* The motion to substitute Glenn S. Phillips as the party appellee in the place and stead of M. E. Thompson is granted.

No. 504. *James Marr, Doing Business as Marr Duplicator Company, petitioner, v. A. B. Dick Company.* The motion of petitioner for clarification or modification of the order and mandate of this Court is denied.

No. 1036. *Charles L. Smith, petitioner, v. Paul A. Porter, Administrator, Office of Price Administration.* The motion to substitute Philip B. Fleming, Temporary Controls Administrator, as the party respondent is granted.

No. 470. *Daniel F. Rice, Joseph J. Rice, et al., petitioners, v. Great Lakes Elevator Corporation et al.;*

No. 471. *Daniel F. Rice, Joseph J. Rice, et al., petitioners, v. Board of Trade of the City of Chicago, a Corporation;*

No. 472. *Illinois Commerce Commission et al., petitioners, v. Great Lakes Elevator Corporation et al.;* and

No. 473. *Illinois Commerce Commission et al., petitioners, v. Board of Trade of the City of Chicago, a Corporation.* On writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit. Counsel for the petitioners in Nos. 470 and 471 having suggested that one of the copartners of the firm of Daniel F. Rice & Co., to wit: Walter T.

Rice, died on June 8, 1946, and that said firm has been reconstituted with the addition of Joseph A. Fagan as a partner and member thereof, it is ordered that the writs of certiorari be dismissed as to Walter T. Rice and that Joseph A. Fagan be, and he hereby is, made a party petitioner in Nos. 470 and 471. Counsel for the petitioners in Nos. 470 and 471 having further suggested that respondent Great Lakes Elevator Corporation has abandoned its service as a warehouse and public storer of grain for hire, it is ordered that the writs of certiorari in Nos. 470 and 472 be dismissed as to respondent Great Lakes Elevator Corporation.

No. 908. Brotherhood of Locomotive Firemen and Enginemen, Local Lodge No. 926, et al., petitioners, *v.* Toledo, Peoria & Western Railroad and Farmers Grain Company, et al.; and

No. 1047. Farmers Grain Company et al., petitioners, *v.* Brotherhood of Locomotive Firemen and Enginemen, Local Lodge No. 926, et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 993. Virgil D. Bell et al., petitioners, *v.* Seton Porter et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 893. R. P. Hunter, petitioner, *v.* Texas Electric Railway Company. The petition for writ of certiorari to the Court of Civil Appeals, 3d Supreme Judicial District, State of Texas, is granted and the case is transferred to the summary docket.

No. 996. The United States, petitioner, *v.* Arkansas Valley Railway, Inc. The petition for writ of certiorari to the Court of Claims is dismissed on motion of counsel for the petitioner.

No. 735. Elisa Campos Delgado et al., petitioners, *v.* Central Cambalache, Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 859. Julius Hartmann, as Executor Under the Last Will and Testament of Annie C. Grun, Deceased, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 968. Ralph E. White, petitioner, *v.* The People of the State of Illinois ex rel. Lyman F. Martin et al.; and

No. 969. Ralph E. White, petitioner, *v.* The People of the State of Illinois ex rel. Lyman F. Martin et al. Petition for writs of certiorari to the Appellate Court, First District, State of Illinois, denied.

No. 975. The United States of America ex rel. Maximillian Karl Reichel, petitioner, *v.* Ugo Carusi, Commissioner of Immigration and Naturalization Service. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 994. William F. Rokey, Harold McGownd, et al., petitioners, *v.* Day & Zimmermann, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 995. Claude Bowers et al., petitioners, *v.* Remington Rand, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 998. St. Regis Paper Company, petitioner, *v.* Joseph T. Higgins, Collector of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1000. Lillian Jeffries, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1019. People of the State of Illinois ex rel. Ada Bell El, For and on Behalf of Ira Johnson Bey, petitioner, *v.* Walter Nierstheimer, Warden, Menard Psychiatric Division, Illinois State Penitentiary, etc. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1025. Mrs. Marion T. Smith, Who Sues as Administrator of the Estate of Her Daughter, Helen Walker Le Fever, petitioner, *v.* Hydro Gas Company of West Florida, Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1029. Utah Junk Company, petitioner, *v.* Philip B. Fleming, Temporary Controls Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 1041. L. C. Prichard, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1043. Union Trust Company, a Corporation, as Trustee Under Paragraph Nineteenth of the Will of Ann Porter, Deceased, petitioner, *v.* Bertha Pauline Genau et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1046. Norfolk Southern Bus Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1050. Charles F. Connors, Trustee in Bankruptcy of the Agawam Racing and Breeders Association, Inc., petitioners *v.* Town of Agawam. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 1052. Charles Freeman Alexander, petitioner, *v.* Marjorie Longan Alexander. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1072. E. E. Swalley, petitioner, *v.* Addressograph-Multigraph Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 971. Frank Lotto and Joseph Raymond Cullotta, petitioners, *v.* The United States of America. The petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit is denied as to petitioner Lotto. On consideration of the suggestion of the death of petitioner Cullotta on February 19, 1947, the petition for writ of certiorari as to said petitioner is dismissed.

No. 1090. Al Gavalis, petitioner, *v.* The People of the State of Illinois. The motion to proceed on typewritten papers is granted. The petition for writ of certiorari to the Supreme Court of Illinois is denied.

No. 866. Ivan L. Wagner, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 892. Donald P. Ackley, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Court of Appeals of the State of New York;

No. 1016. Robert L. Peyton, petitioner, *v.* Railway Express Agency, Inc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1017. Walter O. Noorlander, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the District Court of Appeal, 2d Appellate District, State of California;

No. 1021. Jose Cases Velazquez, petitioner, *v.* Walter A. Hunter, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 1044. Duncan Dunscomb, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Onondaga County, State of New York;

No. 1074. Joseph Seileci, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court, Appellate Division, State of New York;

No. 1099. Richard Hayes, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Kings County, State of New York;

No. 1102. William Clifford Terwilliger, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Tioga County, State of New York;

No. 1114. James McGregor, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1115. Ed. Williams, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1129. Ralph Haupris, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1130. Eugene J. Crowley, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1131. John E. Gawron, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 1136. Albert Woods, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 269, October Term, 1945. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* Home Owners' Loan Corporation et al.; and

No. 952, October Term, 1945. Bertha Florence Sabin and M. R. Sabin, petitioners, *v.* Home Owners' Loan Corporation, a Corporation, George J. Overmyer and Brenda E. Overmyer. The motions for leave to file second petitions for rehearing are denied. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 182. Howard E. Mackey, petitioner, *v.* The People of the State of New York; and

No. 874. Max Louis Peskoe, petitioner, *v.* The United States of America. The petitions for rehearing are denied.

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No. —. Joseph T. Harrington, Registered and Duly Qualified Voter, and all Voters Similarly Situated, appellant, *v.* Edmund K. Jarecki, Harry A. Lipsky, Mabel G. Reinecke, et al., etc. Motion for injunction submitted by Mr. Joseph T. Harrington for the appellant and the motion denied.

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No. 625. Peter Caldarola, petitioner, *v.* Gerda Eckert and Thor Eckert, Jr., Partners Doing Business Under the Firm Name of Thor Eckert & Co. Argument commenced by Mr. Abraham M. Fisch for the petitioner and continued by Mr. Raymond Parmer for the respondents. Leave granted respondents to file reply brief within one week.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 1, will be as follows: Nos. 625, 840 (and 535), 512, 583, 606, 680, 731 (and 732), 377 (and 452), 682, and 10 Original.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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William M. Holt, of Lincoln, Nebr.; Daniel Leon Brenner, of Kansas City, Mo.; Paul Flaherty, of Washington, D. C.; Raymond Edwin Steele, of Washington, D. C.; Thomas B. Roberts, of Des Moines, Iowa; John A. Stewart, of Bradenton, Fla.; Mary-Frances Glenn, of Washington, D. C.; Charles Adams Perry, of Camden, Maine; John Arthur Gross, of Chicago, Ill.; Harry Adelberg, of Baltimore, Md.; Elizabeth V. Franzoni, of Washington, D. C.; Lowell Mundorff, of Portland, Oreg.; Howard F. Saunders, of Amarillo, Tex.; and Arthur C. Latina, of New York, N. Y., were admitted to practice.

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No. 625. Peter Caldarola, petitioner, *v.* Gerda Eckert and Thor Eckert, Jr., Partners Doing Business Under the Firm Name of Thor Eckert & Co. Argument concluded by Mr. Raymond Parmer for the respondents. Leave granted petitioner to file brief within one week after service of reply brief of respondents.

No. 840. Myrl Alexander, Warden, petitioner, *v.* United States ex rel. John Myron Kulick; and

No. 535. Theodore Martin Sunal, petitioner, *v.* David R. Large, Superintendent, Federal Prison Camp, Mill Point, W. Va. Argued by Mr. Irving S. Shapiro for the petitioner in No. 840 and the respondent in No. 535, and by Mr. Hayden Covington for the respondent in No. 840 and the petitioner in No. 535.

No. 512. James G. Raley and Thomas E. Raley, Trading as Raley's Food Store, petitioners, *v.* Philip B. Fleming, Temporary Controls Administrator; and

No. 583. Philip B. Fleming, Temporary Controls Administrator, petitioner, *v.* Mohawk Wrecking and Lumber Company, a Partnership, and Harry Smith. Argued by Mr. David London for the respondent in No. 512 and the petitioner in No. 583, and by Mr. John W. Babcock for the respondents in No. 583, and submitted by Mr. C. L. Dawson and Mr. Paul Flaherty for the petitioners in No. 512.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 2, will be as follows: Nos. 606, 680, 731 (and 732), 377 (and 452), 682, 10 Original, 467, 235, 755, and 385.

SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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George A. Smathers, of Miami, Fla.; Frances Helen Scardefield, of Washington, D. C.; Hyman Jacob Cohen, of Boston, Mass.; Thayer Chapman, of Brooklyn, N. Y.; August W. Heckman, of Jersey City, N. J.; Edward David Wyner, of Cleveland, Ohio; Percy R. Peck, of Bridgeport, Conn.; and Humphreys Springstun, of Detroit, Mich., were admitted to practice.

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No. 606. The United States of America, petitioner, *v.* Samuel Bayer, Elias Bayer and Walter V. Radovich. Argued by Mr. Frederick Bernays Wiener for the petitioner, by Roger Robb for the respondent Radovich, and by Mr. Charles H. Tuttle for the respondents Samuel and Elias Bayer.

No. 680. Champion Spark Plug Company, petitioner, *v.* Peter Sanders et al., Doing Business as The Perfect Recondition Spark Plug Company. Argument commenced by Mr. Samuel E. Darby, Jr., for the petitioner and continued by Mr. John Wilson Hood for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 3, will be as follows: Nos. 680, 731 (and 732), 377 (and 452), 682, 10 Original, 467, 235, 755, 385, and 562.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Harvey C. Hartwig, of Milwaukee, Wis.; Joseph Francis Meglen, of Butte, Mont.; Frank S. Hogan, of New York, N. Y.; Joseph A. Sarafite, of New York, N. Y.; Eugene A. Leiman, of New York, N. Y.; Florence Hodel, of New York, N. Y.; Dorothea Grater Minskoff, of New York, N. Y.; Emanuel E. Minskoff, of New York, N. Y.; John W. Watson, of Boston, Mass.; Elbert Allen Taylor, of Kansas City, Mo.; Harry Friedman, of Washington, D. C.; Sara Blanche McGrann, of Washington, D. C.; and Geo. L. Vaughn, of Saint Louis, Mo., were admitted to practice.

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No. 680. *Champion Spark Plug Company, petitioner, v. Peter Sanders et al., Doing Business as The Perfect Recondition Spark Plug Company.* Argument concluded by Mr. John Wilson Hood for the respondents.

No. 731. *Roy Bartels et al. and Justin Conlon, d. b. a. Crystal Ballroom, petitioners, v. E. H. Birmingham, Individually and as Collector of Internal Revenue for the State of Iowa, et al.;* and

No. 732. *Larry V. Geer and Margaret Geer, d. b. a. Larry Geer Ballrooms, petitioners, v. E. H. Birmingham, Individually and as Collector of Internal Revenue for the State of Iowa.* Argument commenced by Mr. Thomas B. Roberts for the petitioners; continued by Mr. Robert A. Wilson for the respondents, Williams, et al; by Mr. Robert L. Stern for the respondent, Birmingham, Collector, etc.; and concluded by Mr. Clyde B. Charlton for the petitioners.

No. 377. *Joseph S. Fay, petitioner, v. The People of the State of New York;* and

No. 452. *James Bove, petitioner, v. The People of the State of New York.* Argued by Mr. Harold R. Medina for the petitioner in No. 377 and by Mr. Whitman Knapp for the respondent. Submitted by Mr. Moses Polakoff and Mr. Samuel Mezansky for the petitioner in No. 452. Leave granted petitioners to file reply brief by Tuesday next.

Adjourned until Monday, April 7, next, at 12 o'clock.

The day call for Monday, April 7, will be as follows: Nos. 682, 10 Original, 467, 755, 235, 385, 562, 643 (and 644), 674 (and 675), and 626.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Philip H. Alston, of Atlanta, Ga.; Edward Emmet Heavey, of San Francisco, Calif.; J. Alfred Moran, of Chicago, Ill.; Norman B. Gray, of Cheyenne, Wyo.; Leonard Shapiro, of Pittsburgh, Pa.; Albert Martin Cohen, of Brooklyn, N. Y.; and James A. Tawney, of San Francisco, Calif., were admitted to practice.

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No. 27. Bruce's Juices, Inc., petitioner, *v.* American Can Company, On writ of certiorari to the Supreme Court of the State of Florida. Judgment affirmed with costs. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge join.

No. 55. Bethlehem Steel Company, Edward F. Entwisle, Chauncey L. Baker, William H. Peters, Jr., and J. Driscoll DeWitt, appellants, *v.* New York State Labor Relations Board. Appeal from the Court of Appeals of the State of New York; and

No. 76. The Allegheny Ludlum Steel Corporation, appellant, *v.* William J. Kelley and H. Myron Lewis, Constituting the State Labor Relations Board of the State of New York. Appeal from the Supreme Court of the State of New York, County of Chautauqua. Judgments reversed with costs and cases remanded to the Court of Appeals of New York for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Jackson. Separate opinion by Mr. Justice Frankfurter in which Mr. Justice Murphy and Mr. Justice Rutledge join.

No. 207. Emory S. Land (Chairman, United States Maritime Commission), Howard L. Vickery (Vice Chairman, United States Maritime Commission), et al., petitioners, *v.* R. Stanley Dollar, Dollar Steamship Line, The J. Harold Dollar Estates Company, et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Order of this Court substituting new members of

the Maritime Commission as petitioners vacated so that District Court may consider motions for substitution on remand. Judgment of the Court of Appeals affirmed and case remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Douglas. Mr. Justice Black took no part in the consideration or decision of this case. Concurring opinion by Mr. Justice Reed.

No. 430. The United States of America, petitioner, *v.* Ogilvie Hardware Company, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Western District of Louisiana. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Reed joins.

No. 585. The United States of America, appellant, *v.* Lem Hoy, alias Lim Hoy. Appeal from the District Court of the United States for the Southern District of California. Judgment reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

The Chief Justice announced the following order of the Court:

No. 1100. The United States of America, appellant, *v.* Lionel Palletz; and

No. 1101. The United States of America, appellant, *v.* Franklin P. Kromer. Appeals from the District Court of the United States for the Eastern District of Pennsylvania. *Per curiam*: The judgments are reversed. 56 Stat. 23, 24, Sec. 1 (b) as amended, 50 U. S. C. App. Supp. V, 901 (b); R. S. 13, as amended, 58 Stat. 118; Great Northern Ry. Co. *v.* United States, 208 U. S. 452, United States *v.* Reisenger, 128 U. S. 398.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. In Re Shad Polier. The motion to amend the roll of attorneys to show the change of name of Isadore Polier to Shad Polier is granted.

No. 125, Misc. Ex parte Ralph Barton Butz et al., petitioners; and

No. 126, Misc. Ex parte Edward J. Sterba, Jr., petitioner. The motions for leave to file petitions for writs of mandamus are denied.

No. 127, Misc. Ex parte Annie C. Lewis et al., petitioners. The petition for appeal is denied.

No. 131, Misc. Ex parte John S. Snyder, petitioner. The petition for appeal presented to Mr. Justice Douglas and by him referred to the Court is denied.

No. 184. A. N. Cone, petitioner, *v.* West Virginia Pulp and Paper Co. The motion of respondent as to costs is denied.

No. 993. Virgil D. Bell et al., petitioners, *v.* Seton Porter et al. The order entered March 31, 1947, granting certiorari is vacated. On reconsideration the petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit is denied.

No. 425. James F. Morris, petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is granted limited to the second question presented by the petition for the writ and the case is transferred to the summary docket. The Interstate Commerce Commission is invited to file a brief *amicus curiae* if so advised.

No. 1059. Fred Y. Oyama and Kajiro Oyama, petitioners, *v.* State of California. Petition for writ of certiorari to the Supreme Court of California granted.

No. 677. Morris H. Senderowitz et al., Individually and as Co-Partners Trading as Royal Manufacturing Company, petitioners. *v.* Philip B. Fleming, Temporary Controls Administrator; and

No. 678. Morris H. Senderowitz et al., Individually and as Co-Partners Trading as Royal Manufacturing Company, petitioners, *v.* Philip B. Fleming, Temporary Controls Administrator. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 813. Denny Martini and Mildred Martini, Individually and Doing Business as Lakeside Cut-Rate Liquor Store, petitioners, *v.* Philip B. Fleming, Temporary Controls Administrator. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 985. Charles J. Culligan, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 1048. C. W. Thomas, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1065. Mary V. Chaney, petitioner, *v.* Holly Stover. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1067. John C. Cleaver, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1070. Josephine M. Moss, Administratrix of the Estate of Nicholas John Moss, Deceased, petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1071. Della Hook, Administratrix of the Estate of Jacob Hook, Deceased, petitioner, *v.* National Brick Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1077. Pacific Electric Railway Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1080. Philip B. Fleming, Temporary Controls Administrator, petitioner, *v.* Christine Collins et al.;

No. 1081. Philip B. Fleming, Temporary Controls Administrator, petitioner, *v.* Adolph Hirsch; and

No. 1082. Philip B. Fleming, Temporary Controls Administrator, petitioner, *v.* W. M. Morrison et al. Petition for writs of certiorari to the United States Emergency Court of Appeals denied.

No. 1084. Stuart Morrison Wilson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1087. Lacy D. Kirkmyer, G. Clifford Kirkmyer, and L. D. Kirkmyer, et al., petitioners, *v.* Arkansas Fuel Oil Company, a West Virginia Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1093. William Chanady, petitioner, *v.* Detroit Sheet Steel Works. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1119. Certified Oil Company, Inc., Bankrupt, and Harold F. Fishbeck, petitioners *v.* George J. Rudnick and Harry Rice. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1106. Ira B. Arnstein, petitioner, *v.* Cole Porter. The motion to dispense with printing the petition and record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is denied.

No. 1061. George Johnson, petitioner, *v.* John F. Foster, Warden, etc. On petition for writ of certiorari to the Supreme Court of New York, Appellate Division, Fourth Department;

No. 1124. Elmer Whited, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1146. Joseph Rios, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1148. Thomas Bartell, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1151. Harry Stengel, petitioner, *v.* C. J. Burke, Warden, Eastern State Penitentiary. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania; and

No. 1153. Robert Jones, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 543. Federal Power Commission et al., petitioners, *v.* Arkansas Power & Light Company;

No. 910. Jane V. Buckner and Leon Buckner, petitioners, *v.* Fred A. Tweed, Trading as F. A. Tweed Company; and

No. 953. The Sanitary District of Chicago, petitioner, *v.* Activated Sludge, Inc., Activated Sludge, Ltd., Edgar C. Guthard, et al., etc. The petitions for rehearing are denied.

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The Court will take a recess from Monday, April 14, until Monday, April 28, next.

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No. 575. Jack Gorum and National Mutual Casualty Company, petitioners, *v.* Ruby O. Loudenslager and Charlotte Loudenslager. Time within which to file respondents' brief extended to and including April 26, 1947.

No. 1200. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al.;

No. 1201. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al.;

No. 1202. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al.;

No. 1203. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al.;

No. 1204. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al.; and

No. 1205. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al. Time for making service of petition for certiorari, brief, and record extended to a date which is not later than 10 days after the giving of notice by the Clerk of this Court to

counsel for the petitioners that the printed record has been delivered to such Clerk.

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No. **682**. Philip B. Fleming, Temporary Controls Administrator, appellant, *v.* Dusty Rhodes, Sheriff, Tarrant County, Texas, et al. Argued by Mr. Samuel Mermin for the appellant. No appearance for the appellees. Leave granted appellant to file additional brief.

No. **10**, Original. The United States of America, complainant, *v.* The State of Wyoming and the Ohio Oil Company. Argued by Mr. Marvin J. Sonosky for the complainant and by Mr. C. R. Ellery and Mr. Donald R. Richberg for the defendants.

No. **467**. Ayrshire Collieries Corporation et al., and Chicago, Milwaukee, St. Paul and Pacific Railroad Company, appellants, *v.* The United States of America, Interstate Commerce Commission et al. Argument commenced by Mr. Earl B. Wilkinson for the appellants, Ayrshire Collieries Corporation et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 8, will be as follows: Nos. **467**, **755**, **235**, **385**, **562**, **674** (and **675**), **626**, and **850**.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Philip J. Murphy, of Worcester, Mass.; Richard Arens, of Jefferson City, Mo.; John D. O'Reilly, Jr., of Boston, Mass.; John F. Cooney, of Washington, D. C.; Ruth Anna Erb Adams, of Chicago, Ill.; Varian B. Adams, of Chicago, Ill.; James D. Avance, of Little Rock, Ark.; Frances J. Ehlers, of Silver Springs, Md.; Hazel D. Huffman, of Washington, D. C.; Albert S. Abel, of Morgantown, W. Va.; Julius Cohn, of Portland, Oreg.; Charles Sanford Maddock, of Wilmington, Del.; Joseph Sutherland Wright, of Havre, Mont.; John R. L. Johnson, Jr., of Wilmington, Del.; and Robert E. Masters, of Fort Wayne, Ind., were admitted to practice.

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No. 467. Ayrshire Collieries Corporation et al. and Chicago, Milwaukee, St. Paul and Pacific Railroad Company, appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Argument continued by Mr. Earl B. Wilkinson for the appellants, Ayrshire Collieries Corporation, et al.; by Mr. Carson L. Taylor for the appellant, Chicago, Milwaukee, St. Paul and Pacific Railroad Company; by Mr. Daniel W. Knowlton for the appellees, The United States and Interstate Commerce Commission; and concluded by Mr. Charles W. Stadell for the appellees, Central Illinois District Coal Traffic Bureau, et al.; and case submitted by Mr. Erle J. Zoll, Jr., for the appellees, Alton Railroad Company (Henry A. Gardner, Trustee), et al.

No. 755. Ira J. McCullough, petitioner, *v.* Kammerer Corporation and Baash-Ross Tool Company. Argued by Mr. A. William Boyken for the petitioner and by Mr. Leonard S. Lyon for the respondents.

No. 235. The United States of America, petitioner, *v.* Standard Oil Company of California and Ira Boone. Argument commenced by Mr. Frederick Bernays Wiener for the petitioner and continued by Mr. Frank B. Belcher for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 9, will be as follows: Nos. 235, 385, 562, 674 (and 675), 626, and 850.

SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Robert L. Hecker, of Kansas City, Mo.; Charles F. Chisholm, of New York, N. Y.; Helen L. Clagett, of Arlington, Va.; Claud J. N. Weber, of Boston, Mass.; Charles H. Ellner, of New York, N. Y.; Richard Riddle Fisher, of Maplewood, N. J.; Richard Frederick Wood, of Saint Louis, Mo.; Gilbert A. Cuneo, of New York, N. Y.; and Martin Kurasch, of New York, N. Y., were admitted to practice.

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No. 235. The United States of America, petitioner, *v.* Standard Oil Company of California and Ira Boone. Argument continued by Mr. Frank B. Belcher for the respondents and concluded by Mr. Frederick Bernays Wiener for the petitioner.

No. 385. Atlantic Coast Line Railroad Company, appellant, *v.* Glenn S. Phillips, State Revenue Commissioner of the State of Georgia. Argument commenced by Mr. Carl H. Davis for the appellant, continued by Mr. Claude Shaw, Jr., and by Mr. Victor Davidson for the appellee, and concluded by Mr. T. M. Cunningham for the appellant.

No. 562. Rutherford Food Corporation and the George Kaiser Packing Company, petitioners, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. Argument commenced by Mr. E. R. Morrison for the petitioners and continued by Miss Bessie Margolin for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 10, will be as follows: Nos. 562, 674 (and 675), 850, and 626.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Philip R. Collins, of New Orleans, La.; Evelyn Lang Krupp, of Washington, D. C.; Blanche M. Margason, of Washington, D. C.; David Glick, of Pittsburgh, Pa.; Louis H. Samuels, of New York, N. Y.; J. Kenneth Hogue, of Carnegie, Okla.; Francis X. Driscoll, of Boston, Mass.; Jay W. Scovel, of Independence, Kans.; George Knox McMullan, of Washington, D. C.; William J. Rapp, of New York, N. Y.; Ernest H. Davies, of Washington, D. C.; John F. Neville, of New York, N. Y.; Eugene A. Levinson, of New York, N. Y.; Charles E. McGee, of New York, N. Y.; E. Margaret Lamoreaux, of Washington, D. C.; Wm. Harvey Reeves, of New York, N. Y.; Clayton C. Purdy, of Detroit, Mich.; and Frank H. Weitzel, of Washington, D. C., were admitted to practice.

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No. 1196. Joseph E. Ragen, Warden, Illinois State Penitentiary, petitioner, *v.* The United States of America *ex rel.* John H. Rooney. Time for making service of petition for certiorari, brief, and record extended to a date which is not later than 10 days after the giving of notice by the Clerk of this Court to counsel for the petitioner that the printed record has been delivered to such Clerk.

No. 1229. Louise Peete, petitioner, *v.* The People of the State of California. The motion for leave to proceed *in forma pauperis* is granted. The motion for a stay is denied. The petition for writ of certiorari to the Supreme Court of the State of California is also denied.

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No. 562. Rutherford Food Corporation and The George Kaiser Packing Company, petitioners, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. Argument continued by Miss Bessie Margolin for the respondent and concluded by Mr. E. R. Morrison for the petitioners. Leave granted counsel for the petitioners to file additional brief within one week and to counsel for the respondent to reply within one week thereafter. Motion to substitute William R. McComb, present Administrator of

the Wage and Hour Division, United States Department of Labor, as the party respondent in the place and stead of L. Metcalfe Walling, resigned, submitted by Miss Bessie Margolin for the respondent.

No. 674. Commissioner of Internal Revenue, petitioner, *v.* Sidney S. Munter; and

No. 675. Commissioner of Internal Revenue, petitioner, *v.* Carl Munter. Argued by Mr. Lee A. Jackson for the petitioner and by Mr. Samuel Kaufman for the respondents. Leave granted petitioner to file reply brief within one week and respondent a reasonable time thereafter.

No. 850. Harrison Williams, Clifford F. Stone, Sidney J. Weinberg, et al., petitioners, *v.* Carl J. Austrian and Robert G. Butcher, as Trustees of Central States Electric Corporation. Argument commenced by Mr. Milton Pollock for the petitioners and continued by Mr. Carl J. Austrian for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 11, will be as follows: Nos. 850 and 626.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Oliver Dibble, of Washington, D. C.; Edward Molenof, of Washington, D. C.; Abraham N. Geller, of New York, N. Y.; John D. Lane, of Washington, D. C.; Sylvan Schwartz, of Washington, D. C.; Welford J. Massie, of Arlington, Va.; Helena D. Reed, of Washington, D. C.; Arthur J. McLaughlin, of New Haven, Conn.; John P. Burke, of Butte, Mont.; Edwin W. Cimokowski, of Philadelphia, Pa.; S. C. Masterson, of Richmond, Calif.; Robert Hall McCaw, of Orkland, Calif.; Albert L. O'Connor, of Loretto, Pa.; Sidney S. Sachs, of Washington, D. C.; Joseph F. Lawless, Jr., of Washington, D. C.; Harold R. Korey, of New York, N. Y.; Alberto Picó, of San Juan, P. R.; A. Bruce Wright, of Palo Alto, Calif.; Giles C. Peterson, of Cheyenne, Okla.; Jerry N. Griffin, of Weatherford, Okla.; Robert E. Teaford, of Columbus, Ohio; Paul M. Herbert, of Columbus, Ohio; John R. Hoyer, of Uniontown, Pa.; and William J. Junkerman, of New York, N. Y., were admitted to practice.

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No. 1200. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al.;

No. 1201. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al.;

No. 1202. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al.;

No. 1203. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al.;

No. 1204. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al.; and

No. 1205. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al. Motion that disposition of petition for certiorari be advanced submitted by Mr. Werner W. Schroeder for the respondents.

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No. 850. Harrison Williams, Clifford F. Stone, Sidney J. Weinberg, et al., petitioners, *v.* Carl J. Austrian and Robert G. Butcher,

as Trustees of Central States Electric Corporation. Argument continued by Mr. Carl J. Austrian for the respondents and concluded by Mr. Milton Polack for the petitioners.

No. 626. Tom C. Clark, Attorney General, as Successor to the Alien Property Custodian, petitioner, *v.* Alvina Allen, Gertrude Dinwiddie, Hilda Pigozzi, et al. Argued by Mr. Harry Leroy Jones for the petitioner, by Mr. S. C. Masterson for the respondents, and by Mr. Everett W. Mattoon for the State of California, as *amicus curiae*, by special leave of Court.

Adjourned until Monday, April 14, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Byron E. Kobot, of New York, N. Y.; James N. Ackerman, of Lincoln, Nebr.; George Cohan, of Gary, Ind.; Frederick L. Kane, of New York, N. Y.; Rodolfo A. Correa, of New York, N. Y.; Robert J. Wojcinski, of Detroit, Mich.; Alfred P. Draper, of Gary, Ind.; Charles Edward Thomas, of Stoneboro, Pa.; Theobald J. Dengler, of New York, N. Y.; Waymon Belton McLeskey, of Columbus, Ohio; Harry Kotlar, of Davenport, Iowa; Richard Kingsbury Stevens, of Philadelphia, Pa.; Louis J. Glicksberg, of San Francisco, Calif.; Katharine Dixon Agar, of Chicago, Ill.; Tim J. Campbell, of Newton, Iowa; Robert J. Flint, of Coudersport, Pa.; Charles H. Davis, of Knoxville, Tenn.; Harold C. Hanke, of Saint Louis, Mo.; Frank E. Ransdell, of Hominy, Okla.; Sidney Orenstein, of New York, N. Y.; Walter Alfred John, of Milwaukee, Wis.; and Harold Julian Sherman, of New York, N. Y., were admitted to practice.

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No. 85. The Trailmobile Company and International Union, United Automobile, Aircraft and Agricultural Workers of America, U. A. W.-C. I. O., Local No. 392, petitioners, *v.* Lawrence Whirls. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment of Circuit Court of Appeals reversed without costs but without prejudice from the decision here to respondent's assertion in the future of any rights he may have against Trailmobile or the collective agent on account of their acts not presented on the record in this case or involved in the issues determined by this decision. The case is remanded to the District Court of the United States for the Southern District of Ohio for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Frankfurter joins.

No. 83. Independent Warehouses, Inc., Pennsylvania Coal Company, Erie Railroad Company and James Thompson, appellants, *v.* William Scheele, Recorder of the Township of Saddle River, and the

Township of Saddle River. Appeal from the Court of Errors and Appeals of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice Rutledge. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Jackson in which Mr. Chief Justice Vinson joins.

No. 371. United States National Bank in Johnstown and First National Bank of South Fork, petitioners, *v.* Chase National Bank of the City of New York and Lester Larimer, Trustee. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs and case remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Mr. Justice Frankfurter is of the opinion that the order of the District Court should be restored on the ground that the creditors entered into an agreement which was not objectionable under Sec. 57 (h) of the Bankruptcy Act, whereby the liens of the petitioners were saved. Mr. Justice Jackson concurs in the result. Mr. Justice Douglas dissents.

No. 68. Beulah B. Crane, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and case remanded to the said Circuit Court of Appeals. Opinion by Mr. Chief Justice Vinson. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Frankfurter and Mr. Justice Douglas join.

No. 74. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* Halliburton Oil Well Cementing Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Chief Justice Vinson. Opinion by Mr. Justice Rutledge concurring in the judgment. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black concurs.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 129, Misc. Ex parte Benjamin Rockower, petitioner. The request of the petitioner for leave to withdraw the application filed herein is granted.

No. 133, Misc. John H. Fahey et al., petitioners, *v.* Hon. Peirson M. Hall, Judge, etc. A rule is ordered to issue, returnable Monday, April 28, next, requiring the respondents to show cause why leave to file the petition for writ of mandamus and/or prohibition and/or injunction should not be granted. The cause is assigned for argument on the return to the rule immediately following the hearing in *Fahey v. Mallonee*, No. 687. All proceedings tending to effectuate the order of the District Judge granting a motion with respect to costs and expenses of certain appellees in case No. 687 and counsel fees are hereby stayed pending the further order of this Court.

No. 733. Interstate Natural Gas Company, Incorporated, petitioner, *v.* Federal Power Commission et al. The motion of American Petroleum Institute and others for leave to appear and present oral argument as *amici curiae* is denied.

No. 823. The United States of America, appellant, *v.* Paul Evans. It is ordered that David Ginsburg, Esquire, of Washington, D. C., a member of the Bar of this Court, be appointed to serve as counsel for the appellee in this case.

No. 1083. Al Williams and Al Williams Health System of Los Angeles, Inc., petitioners, *v.* Michael J. Fanning, Individually and as Postmaster of the City of Los Angeles, California. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is granted limited to the first question presented by the petition for the writ and the case is transferred to the summary docket.

No. 1092. Frank Walter Mogall, petitioner, *v.* The United States of America. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is granted and the case is transferred to the summary docket.

No. 875. Philip B. Fleming, Temporary Controls Administrator, Office of Temporary Controls, petitioner, *v.* Royal Lee, Doing Business as Vitamin Products Company. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 1015. Mayfair Meat Packing Corp. and John Carr, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1049. Nicholas J. Curtis, petitioner, *v.* Hon. Guy L. Fake, U. S. District Judge, Utah Fuel Company, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1068. Saul S. Freeman, petitioner, *v.* The United States of America; and

No. 1069. Saul S. Freeman, petitioner, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1078. Vacu-Matic Carburetor Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1085. Samuel Salvadore Perniciaro, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1086. First National Bank in Houston et al., petitioners, *v.* Frank Scofield, Collector of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1094. Elizabeth Arden, Inc., Elizabeth Arden Sales Corporation, and Florence N. Lewis, petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1103. Edward C. Commers, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1117. Mason & Dixon Lines, Incorporated, petitioner, *v.* Commonwealth of Virginia, at the Relation of State Corporation Commission. Petition for writ of certiorari to the Supreme Court of Appeals, Commonwealth of Virginia, denied.

No. 1122. Gertrude M. Decker et al., Executors of the Estate of Jos. B. Decker, Deceased, and Gertrude M. Decker, Individually, petitioners, *v.* G. H. Kann and W. L. Kann. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 1126. Ralph N. Weil, petitioner, *v.* H. F. Haessler Hardware Co. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1127. Dimas Ygnacio Ybarra Amaya et al., petitioners, *v.* Stanolind Oil and Gas Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1181. Ethel S. Pauling, petitioner, *v.* Lorette Pauling. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1200. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al.;

No. 1201. Charles H. Worcester et al., petitioners. *v.* Chicago Transit Authority et al.;

No. 1202. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al.;

No. 1203. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al.;

No. 1204. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al.; and

No. 1205. Charles H. Worcester et al., petitioners, *v.* Chicago Transit Authority et al. The motion by the respondents to advance the consideration of the petition for certiorari is granted. The petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit is denied.

No. 999. Albert Durrett, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1013. Donald E. Hasson, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1118. Clifford James Lane, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Oneida County, State of New York;

No. 1125. James Slater, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Kings County, State of New York;

No. 1132. Peter Martin, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Rockland County, State of New York;

No. 1145. Conrad Bordeleau, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Court of General Sessions of the City and County of New York, State of New York;

No. 1171. James W. Ross, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois; and

No. 1192. Edward Poppe, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Winnebago County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 888. Cecil S. Lucas, petitioner, *v.* The United States of America;

No. 991. Edward S. Cannon and Charles Smith, petitioners, *v.* The United States of America; and

No. 1045. Lawrence E. Cook, petitioner, *v.* The State of Indiana. The petitions for rehearing are denied.

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No. 909. Walter E. Meyer, Intervener, petitioner, *v.* Berryman Henwood, as Trustee of St. Louis Southwestern Railway Company Lines, et al. Time within which to file petition for rehearing extended to and including May 23, 1947, on motion of the petitioner.

No. 1143. The United States of America, petitioner, *v.* Mt. Clemens Pottery Company, Steve Anderson, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit dismissed on motion of counsel for the petitioner.

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Adjourned until Monday, April 28, next, at 12 o'clock.

The day call for Monday, April 28, will be as follows: Nos. 593, 656, 715, 718, 464, 687, 133 Misc., 793, 934, and 346.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Meyer L. Casman, of Philadelphia, Pa.; Margaret Valentine, of Fort Smith, Ark.; Mack K. Greenberg, of Boston, Mass.; Elwood S. Kendrick, of Berkeley, Calif.; Charles C. Burks, of Knoxville, Tenn.; John Wintersteen, of Philadelphia, Pa.; N. Scarritt, of Enid, Okla.; Raymond Tremaine, of Los Angeles, Calif.; Robert L. Austin, of Anderson, Ind.; William C. Kelly, of Cincinnati, Ohio; Ellis Bell Miller, of Washington, D. C.; Richard J. Gleason, of Chicago, Ill.; Gerald H. Moye, of Chicago, Ill.; Sam A. Kessler, of St. Louis, Mo.; Steadman Garretson Smith, of Los Angeles, Calif.; Arthur Warner, of Newark, N. J.; Frederick Henry NeCasek, of Long Beach, Calif.; Carroll M. Redford, of Glasgow, Ky.; Vernon V. Ketring, of Denver, Colo.; and Joseph A. Segal, of Cincinnati, Ohio, were admitted to practice.

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No. 467. Ayrshire Collieries Corporation et al. and Chicago, Milwaukee, St. Paul, and Pacific Railroad Company, appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the Southern District of Indiana. Decree vacated and appeal dismissed. Appellants will be free to suggest that the District Court be reconvened in accordance with the Urgent Deficiencies Act of October 22, 1913, so that three judges may hear and determine the application to enjoin the order of the Commission in issue. Opinion by Mr. Justice Murphy. Dissenting: Mr. Justice Rutledge.

No. 583. Philip B. Fleming, Temporary Controls Administrator, petitioner, *v.* Mohawk Wrecking and Lumber Company, a Partnership, and Harry Smith. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit; and

No. 512. James G. Raley and Thomas E. Raley, Trading as Raley's Food Store, petitioners, *v.* Philip B. Fleming, Temporary Controls Administrator. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Motion to vacate order of this Court substituting Fleming for Porter denied. Judgment in No. 583

reversed and case remanded to the District Court of the United States for the Eastern District of Michigan for further proceedings in conformity with the opinion of this Court. Judgment in No. 512 affirmed and case remanded to the District Court of the United States for the District of Columbia. Opinion of Mr. Justice Douglas announced by Mr. Justice Black. Concurring opinion by Mr. Justice Jackson.

No. 680. Champion Spark Plug Company, petitioner, *v.* Peter Sanders et al., Doing Business as The Perfect Recondition Spark Plug Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and case remanded to the District Court of the United States for the Eastern District of New York. Opinion by Mr. Justice Douglas announced by Mr. Justice Black.

No. 682. Philip B. Fleming, Temporary Controls Administrator, appellant, *v.* Dusty Rhodes, Sheriff, Tarrant County, Texas, et al. Appeal from the District Court of the United States for the Northern District of Texas. Decree reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Frankfurter.

No. 755. Ira J. McCullough, petitioner, *v.* Kammerer Corporation and Baash-Rost Tool Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs and case remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

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The Chief Justice announced the following orders of the Court:

No. 1223. Cheltenham and Abington Sewerage Company, appellant, *v.* Pennsylvania Public Utility Commission. Appeal from the Supreme Court of the Commonwealth of Pennsylvania; and

No. 1230. Newton Oil Company, appellant, *v.* John Bockhold and Earle F. Wingren. Appeal from the Supreme Court of Colorado. *Per curiam*: The motions to dismiss are granted and the appeals are dismissed. Treating the papers whereon the appeals were allowed as petitions for writs of certiorari as required by sec. 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. 1224. The Motor Haulage Company, Inc., appellant, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the Eastern

District of New York. *Per curiam*: The motions to affirm are granted and the judgment is affirmed.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 132, Misc. Ex parte Dorsey McMahan, petitioner. Application denied.

No. 134, Misc. Ex parte Charles Gramlich, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 135, Misc. H. Dulany Mitchell, petitioner, *v.* Honorable Colin Neblett, Judge. The motion for leave to file petition for writ of mandamus is denied.

No. 85. The Trailmobile Company and International Union, United Automobile, Aircraft, and Agricultural Workers of America, U. A. W.-C. I. O. Local 392, petitioners, *v.* Lawrence Whirls. It is ordered that footnote 20 in the opinion of this Court be changed to read as follows: "The Government states that a veteran could be reduced in seniority on account of bona fide changed circumstances or on account of cause or upon waiver. As to this, see note 25." It is further ordered that the words "As we have indicated above," appearing at the beginning of the first paragraph on page 21 of the opinion be deleted so that the sentence will read as follows: "The argument for respondent in this case is of whole cloth in principle with the contention for 'superseniority' made and rejected in the *Fishgold* case, as indeed the District Court and the Court of Appeals regarded it."

No. 733. Interstate Natural Gas Company, Incorporated, petitioner, *v.* Federal Power Commission et al. The motion of the State of Texas and Railroad Commission of Texas for leave to appear and present oral argument as *amici curiae* is granted.

No. 934. Tom C. Clark, Attorney General, as Successor to the Alien Property Custodian, petitioner, *v.* Uebersee Finanz-Korporation, A. G. The motion of National Foreign Trade Council, Inc., for leave to file a brief as *amicus curiae* is granted.

No. 1076. International Salt Company, Incorporated, appellant, *v.* The United States of America; and

No. 1208. The United States of America, appellant, *v.* International Salt Company, Incorporated; and

No. 1188. Joseph White Musser, Guy W. Musser, Charles Fred-

erick Zitting et al., appellants, *v.* The State of Utah. In these cases probable jurisdiction is noted.

No. 1064. The Federal Crop Insurance Corporation, petitioner, *v.* A. A. Merrill and N. D. Merrill, Co-Partners, Doing Business Under the Firm Name and Style of Merrill Bros. Petition for writ of certiorari to the Supreme Court of Idaho granted and the case is transferred to the summary docket.

No. 1108. Robert E. Hannegan, Individually and as Postmaster General of the United States, petitioner, *v.* Read Magazine, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted and the case is transferred to the summary docket.

No. 1144. Estate of Sidney M. Spiegel, Deceased, Katherine J. Spiegel, et al., Surviving Executors, etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and the case is transferred to the summary docket.

No. 1062. W. F. Wilson et al., petitioners, *v.* Reconstruction Finance Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1075. The United States, petitioner, *v.* Albert & Harrison, Incorporated. Petition for writ of certiorari to the Court of Claims denied.

No. 1088. The United States of America ex rel. Paul Knauer, petitioner, *v.* Andrew Jordan, as District Director of Immigration and Naturalization for the District of Chicago. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1113. Otto Hermann Wilhelm Macke, Theresa Johanna Muller, and Irmgard Sturn, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1116. Walter C. DeFrates, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1120. Karl Jonsson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1128. Morris Heffler, George Levy, and Al Levy, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1133. Louise C. Bennion, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1149. Findley Antis et al., petitioners, *v.* Montgomery Ward & Co., Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1157. Standard Surety and Casualty Company of New York, petitioner, *v.* The Plantsville National Bank and the Federal Deposit Insurance Corporation, Receiver. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1158. Katherine C. Williams, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1225. John J. Casale, Inc., petitioner, *v.* Loren Skidmore Thomas McKasey, Conrad A. Fugman, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1107. Greenhouse Bros. & Finkelstein, Inc., petitioner, *v.* Reconstruction Finance Corporation. Petition for writ of certiorari to the United States Emergency Court of Appeals denied. The Chief Justice took no part in the consideration or decision of this application.

No. 340. Gene McCann, petitioner, *v.* Tom C. Clark, Attorney General of the United States, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 841. Gene McCann, petitioner, *v.* William A. Adams, Warden of the City Prison of Manhattan, New York City, et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 872. John Knight Giles, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 912. John Boyce Davis, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 918. Dorsey McMahan, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 948. Forest G. Wood, petitioner, *v.* Ralph Howard, Warden, Indiana State Prison. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 1026. Sam Ruben, petitioner, *v.* E. J. Welch, Superintendent of the District of Columbia Reformatory. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 1121. Ollie N. Perry, Administratrix of the Estate of Jennie S. Moody, petitioner, *v.* Steadman C. Wheeler, Administrator, *d. b. n., c. t. a.* of the Estate of George E. Moody. On petition for writ of certiorari to the Supreme Court of Vermont;

No. 1142. George Small, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Court of General Sessions of the City and County of New York, State of New York;

No. 1182. Victor Wenderlin, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Kings County, State of New York;

No. 1185. Gordon Leonard Hart, petitioner, *v.* P. J. Squier, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 1198. Mike Seric, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the 4th Appellate Department of the Supreme Court of New York;

No. 1209. Paul Lewis, petitioner, *v.* The People of the State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 1212. Edwin J. Evans, petitioner, *v.* Gerald F. Bush, Warden of the House of Correction, Michigan Branch Prison. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 1216. Joseph Scarpinato, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court, Criminal Court of Cook County, and the Circuit Court of Will County, State of Illinois;

No. 1221. Leo Michalowski, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1232. Frank Howe, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Ogle County and the Circuit Court of Will County, State of Illinois; and

No. 1233. Charles Wilkerson, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 111, Misc. Ex parte N. B. Houghton, petitioner;

No. 127, Misc. Ex parte Anna C. Lewis et al., petitioners;

No. 49. Hans Max Haupt, petitioner, *v.* The United States of America;

No. 291. Marion B. Kotch, John L. Richards, Adolph Clark, et al., appellants, *v.* Board of River Port Pilot Commissioners for the Port of New Orleans et al.;

No. 866. Ivan L. Wagner, petitioner, *v.* The United States of America;

No. 993. Virgil D. Bell et al., petitioners, *v.* Seton Porter et al.;

No. 994. William F. Rokey, Harold McGownd, et al., petitioners, *v.* Day & Zimmermann, Inc.;

No. 995. Claude Bowers et al., petitioners, *v.* Remington Rand, Inc.;

No. 1016. Robert L. Peyton, petitioner, *v.* Railway Express Agency, Inc.;

No. 1090. Al Gavalis, petitioner, *v.* The People of the State of Illinois; and

No. 1110. Grand Lodge Hall Association, I. O. O. F. of Indiana, a Corporation, et al., appellants, *v.* Ralph F. Moore, as Auditor of Marion County, Indiana, et al. The petitions for rehearing are denied.

No. 253. The United States of America, appellant, *v.* The Pullman Company et al.;

No. 254. Otis & Co., appellant, *v.* The United States of America et al.; and

No. 255. The Chesapeake & Ohio Railroad Company et al., appellants, *v.* The United States of America et al. The petitions for rehearing are denied. Mr. Justice Jackson took no part in the consideration or decision of these applications.

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No. 593. Francis R. Cope, Jr., petitioner, *v.* A. M. Anderson, Receiver of the National Bank of Kentucky. Argued by Mr. Harold Evans for the petitioner and by Mr. Robert S. Marx for the respondent.

No. 656. A. M. Anderson, Receiver of the National Bank of Kentucky, Louisville, Kentucky, petitioner, *v.* Lawrence S. Helmers et al. Argued by Mr. Robert S. Marx for the petitioner and by Mr. Murray Seasongood for the respondents.

No. 715. State of Oklahoma and Champlin Refining Company, petitioners, *v.* The United States of America. Argument commenced by Mr. Nathan Scarritt for the petitioner, Champlin Refining Company and continued by Mr. Stanley M. Silverberg for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 29, will be as follows: Nos. 715, 718, 464, 687, 133 Misc., 793, 934, 346, 733, and 405.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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William M. Thompson, of Batesville, Ark.; Spessard L. Holland, of Bartow, Fla.; Louis F. Snedigar, of Miami Beach, Fla.; Geo. A. Hutchinson, of Enid, Okla.; Gerald E. Dwyer, of New York, N. Y.; Samuel H. Hellenbrand, of New York, N. Y.; Raymond W. Miller, of Jackson, Miss.; John Collins Murray, of Little Rock, Ark.; Maury Young, of Washington, D. C.; Philip Goldstein, of Washington, D. C.; Antonio M. Fernandez, of Santa Fe, N. Mex.; William Furst, of Newark, N. J.; Benjamin I. Kantor, of Woodbridge, N. J.; Joseph A. Mirne, of Asbury Park, N. J.; Joseph W. Bishop, Jr., of Washington, D. C.; Peter B. Wells, of Beaumont, Tex.; Paul Dobin, of New York, N. Y.; and Charles DiPirro, of Somerville, Mass., were admitted to practice.

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No. 544. National Labor Relations Board, petitioner, *v.* Keystone Steel & Wire Company and Independent Steel Workers Alliance. Continued on motion of counsel for respondent Keystone Steel & Wire Company.

No. 715. State of Oklahoma and Champlin Refining Company, petitioners, *v.* The United States of America. Argument continued by Mr. Stanley M. Silverberg for the respondent and concluded by Mr. Mac Q. Williamson for the petitioners.

No. 718. The United States of America, appellant, *v.* Michael Walsh, an Individual Trading as Kelp Laboratories. Argued by Mr. Robert S. Erdahl for the appellant and by Mr. Eugene W. Miller for the appellee.

No. 464. The United States of America, appellant, *v.* Line Material Company, General Electric Company, James R. Kearney Corporation, et al. Argued by Mr. Assistant Attorney General Berge for the appellant and by Mr. John Lord O'Brian and Mr. Albert R. Connelly for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 30, will be as follows: Nos. 687, 133 Misc., 793, 934, 346, 733, 405, 847, 954, and 970.

## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Bartholomew Diggins, of Washington, D. C.; Donald Ambrose Chapman, of Minneapolis, Minn.; Morton H. Steinberg, of Washington, D. C.; Carl D. Coleman, of Washington, D. C.; Robert A. Nitschke, of Shaker Heights, Ohio; Harry R. Pugh, Jr., of New York, N. Y.; W. D. Benson, Jr., of Lubbock, Tex.; Julian D. Rosenberg, of New York, N. Y.; Samuel M. Singer, of New York, N. Y.; Nathan B. Kogan, of New York, N. Y.; William Maslow, of New York, N. Y.; Alfred B. Hurley, of Washington, D. C.; Richard H. Love, of Hyattsville, Md.; Leon N. Miller, of Chicago, Ill.; Merle Thorpe, Jr., of Washington, D. C.; George S. Collins, of New York, N. Y.; Fabian Christopher Cox, of Washington, D. C.; Edward C. Raftery, of New York, N. Y.; George A. Raftery, of New York, N. Y.; Milton M. Rosenbloom, of New York, N. Y.; Dugas Shands, of Cleveland, Miss.; C. Oscar Berry, of Washington, D. C.; A. Leon Goldman, of Washington, D. C.; and George F. Richardson, of New York, N. Y., were admitted to practice.

No. 687. John H. Fahey and A. V. Ammann, Individually and Respectively as Federal Loan Bank Commissioner and Conservator for the Long Beach Federal Savings and Loan Association, appellants, *v.* Paul Mallonee et al. Argued by Mr. Oscar H. Davis for the appellants; by Mr. Wyckoff Westover for appellees, Paul Mallonee et al.; by Mr. Charles K. Chapman for appellee, Long Beach Federal Savings and Loan Association; and by Mr. Everett W. Matoon for the State of California, as *amicus curiae*, by special leave of Court. Case submitted by Mr. Louis W. Myers, Mr. Pierce Works, and Mr. Richard Fitzpatrick for appellee, Federal Home Loan Bank of Los Angeles; by Mr. Robert H. Wallis, *pro se*, and Mr. Raymond Tremaine for appellee, Robert H. Wallis; and by Mr. Harry O. Wallace for appellee, Title Service Company.

No. 133, Misc. John H. Fahey et al., petitioners, *v.* Honorable Peirson M. Hall, Judge of the District Court of the United States for the Southern District of California. Argued on the motion for leave to file petition for writ of mandamus and/or prohibition and/or injunction by Mr. Oscar H. Davis for petitioners in support of the

motion and on the rule to show cause and by Mr. Welburn Mayoek and Mr. Charles K. Chapman for respondent, Honorable Peirson M. Hall, United States District Judge, in opposition to the motion and on the return to the rule.

No. 793. The United States of America, petitioner, *v.* Elliott W. Michener. Argued by Mr. W. Marvin Smith for the petitioner and by Mr. Roger Kent for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, May 1, will be as follows: Nos. 934, 346, 733, 405, 847, 954, 970, 862, 945 (946 and 947), and 1035.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Wilfrid L. Cloutier, of Detroit, Mich.; James B. Simms, of Houston, Tex.; James R. Brook, of Vienna, Va.; Clifford Hynning, of Arlington, Va.; Jerome A. Reiner, of New York, N. Y.; Bernard L. Balicer, of New York, N. Y.; John Wayne Van Orman, of New York, N. Y.; Roger L. Shidler, of Seattle, Wash.; Francis Van Orman, of New York, N. Y.; Sydney Brodie, of New York, N. Y.; Lawrence V. Meloy, of Phoenix, Ariz.; Culver Bryant Chamberlain, of Washington, D. C.; James Wheeler Clements, of Chicago, Ill.; James Martin Souby, Jr., of San Francisco, Calif.; Edwin A. Mooers, Jr., of Washington, D. C.; J. Ambrose Kiley, of Washington, D. C.; Kenneth H. Masters, of Detroit, Mich.; Lawrence J. Simmons, of Washington, D. C.; and Paul Lee Sweeny, of Franklin Park, Va., were admitted to practice.

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No. 934. Tom C. Clark, Attorney General, as Successor to the Alien Property Custodian, petitioner, *v.* Uebersee Finanz-Korporation, A. G. Argued by Mr. M. S. Isenbergh for the petitioner and by Mr. Richard J. Connor for the respondent.

No. 346. Silesian American Corporation, Debtor, and Silesian Holding Company, petitioners, *v.* Tom C. Clark, Attorney General, as Successor to the Alien Property Custodian. Argued by Mr. Leonard P. Moore for the petitioners and by Mr. James C. Wilson for the respondent. Leave granted petitioner to file a reply brief.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, May 2, will be as follows: Nos. 733, 405, 847, 954, 970, 862, 945 (946 and 947), 1035, and 540.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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William Buford McConnico, of Tulsa, Okla.; Allen Harvey Broyles, of Shreveport, La.; John J. Donnelly, Jr., of Washington, D. C.; Harry L. Walker, of Washington, D. C.; Earle V. Simrell, of Washington, D. C.; Earl Jay Gratz, of Philadelphia, Pa.; Harry L. Rosenthal, of Rochester, N. Y.; Filindo B. Masino, of Philadelphia, Pa.; Harvey P. Schneider, of Brentwood, Md.; Charles Henry Lee, of New York, N. Y.; Joseph Prindaville, of Chicago, Ill.; James Edward Mann, of Chicago, Ill.; and Malcom S. Mason, of New York, N. Y., were admitted to practice.

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No. 733. Interstate Natural Gas Company, Incorporated, petitioner, *v.* Federal Power Commission et al. Argued by Mr. William A. Dougherty for the petitioner; by Mr. James D. Smullen for the State of Texas et al., as amici curiae, by special leave of Court; and by Mr. Charles E. McGee for respondent Federal Power Commission.

No. 405. Marvin Gayes, petitioner, *v.* The State of New York. Argued by Mr. Herbert Wechsler for the petitioner and by Mr. Harry L. Rosenthal for the respondent.

Adjourned until Monday, next, at 12 o'clock.

The day call for Monday, May 5, will be as follows: Nos. 954, 970, 847, 945 (946 and 947), 1035, 862, and 540.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Geo. T. Shannon, of Tampa, Fla.; Roswell P. Waldo, of Arlington, Va.; A. Hale Watkins, of Fairmont, W. Va.; Harold Tannen, of Miami Beach, Fla.; Charles R. Kaufman, of Chicago, Ill.; E. Blaine Buchanan, of Chattanooga, Tenn.; Julius M. Arnstein, of New York, N. Y.; Robert McCormick Adams, of Chicago, Ill.; Marguerite Rose Kletchka, of Washington, D. C.; Nelle Hyde Holmes, of Manassas, Va.; Francis J. Anastasia, of Philadelphia, Pa.; and A. L. Kearns, of Cleveland, Ohio, were admitted to practice.

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No. 471. Daniel F. Rice, Joseph J. Rice, et al., etc., petitioners, *v.* Board of Trade of the City of Chicago, a Corporation; and

No. 473. Illinois Commerce Commission et al., petitioners, *v.* Board of Trade of the City of Chicago, a Corporation. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs and cases remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas announced by Mr. Justice Black.

No. 470. Daniel F. Rice, Joseph J. Rice, et al., etc., petitioners, *v.* Santa Fe Elevator Corporation et al.; and

No. 472. Illinois Commerce Commission et al., petitioners, *v.* Santa Fe Elevator Corporation et al. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed in part and reversed in part and cases remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas announced by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Rutledge concurs.

No. 674. Commissioner of Internal Revenue, petitioner, *v.* Sidney S. Munter; and

No. 675. Commissioner of Internal Revenue, petitioner, *v.* Carl Munter. On writs of certiorari to the United States Circuit Court

of Appeals for the Third Circuit. Judgments reversed and cases remanded to the Circuit Court of Appeals with directions to remand to the Tax Court for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

No. 34. George Harris, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Western District of Oklahoma. Opinion by Mr. Chief Justice Vinson. Dissenting opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Frankfurter and Mr. Justice Rutledge join. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Murphy and Mr. Justice Rutledge concur.

No. 497. 149 Madison Avenue Corp. and Williams & Co., Inc., petitioners, *v.* Frank Asselta, Camilo Del Rio, Joseph McArdle, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and case remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Chief Justice Vinson.

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The Chief Justice announced the following order of the Court :

No. 1104. Charles Trudell, appellant, *v.* State of Mississippi; and

No. 1105. James Lewis, Jr., appellant, *v.* State of Mississippi. Appeals from and petitions for writs of certiorari to the Supreme Court of Mississippi. *Per curiam:* The motions for leave to proceed *in forma pauperis* are granted. The appeals are dismissed and the petitions for writs of certiorari are denied. Mr. Justice Murphy and Mr. Justice Rutledge are of the opinion that the petitions for certiorari should be granted. Mr. Justice Douglas took no part in the consideration or decision of these cases.

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The Chief Justice said :

“The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 136, Misc. Joseph Poresky, petitioner, *v.* Honorable J. Ford, United States District Judge. The motion for leave to file a petition for writ of mandamus is denied.

No. 1147. Local 2880, Lumber & Sawmill Workers Union, United Brotherhood of Carpenters & Joiners of America, Affiliated With the American Federation of Labor, petitioner, *v.* The National Labor

Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 1162. Harry Blumenthal, petitioner, *v.* The United States of America;

No. 1163. Lawrence B. Goldsmith, petitioner, *v.* The United States of America;

No. 1164. Samuel S. Weiss, petitioner, *v.* The United States of America; and

No. 1165. Albert Feigenbaum, petitioner, *v.* The United States of America. The petitions for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit are granted and the cases are consolidated for argument.

No. 1176. W. Clay Rodgers, petitioner, *v.* The United States of America. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is granted limited to the first two questions presented by the petition for the writ and the case is transferred to the summary docket.

No. 1095. Philip B. Fleming, Administrator, Office of Temporary Controls, et al., petitioners, *v.* The Moberly Milk Products Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia dismissed on motion of counsel for the petitioner.

No. 575. Jack Gorum and National Mutual Casualty Company, petitioners, *v.* Ruby O. Loudenslager and Charlotte Loudenslager. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1004. Bernard V. Provenzano, Individually and Doing Business as "O. K. Plumbing Company," petitioner, *v.* Philip B. Fleming, Temporary Controls Administrator. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1036. Charles L. Smith, petitioner, *v.* Philip B. Fleming, Temporary Controls Administrator. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1038. Potomac Electric Power Company, petitioner, *v.* Public Utilities Commission of the District of Columbia et al.; and

No. 1135. The United States of America, petitioner, *v.* Public Utilities Commission of the District of Columbia et al. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1138. Jack Hensley, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1150. John O. Schuster, d. b. a. General Machine Works, and as The A. & A. Tool and Supply Company, petitioner, *v.* S. H. Sturgeon, as Acting Collector of Internal Revenue in and for the State of Oklahoma, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1156. Virginia Young Stott, Mae Young Lubben and Elizabeth Jansing, petitioners, *v.* Tidewater Associated Oil Co., and Seaboard Oil Co., of Delaware. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1159. C. C. Clark, Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1160. Zerefa Maloof, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1167. Eric Adolfson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1168. Hudson McGuire et al., petitioners, *v.* Equitable Office Building Corporation, etc., et al.;

No. 1169. Hudson McGuire et al., petitioners, *v.* Equitable Office Building Corporation, etc., et al.;

No. 1170. Hudson McGuire et al., petitioners, *v.* Equitable Office Building Corporation, etc., et al.;

No. 1172. Harry R. Amott et al., petitioners, *v.* Charles A. Dana et al.;

No. 1173. Harry R. Amott et al., petitioners, *v.* Charles A. Dana et al.; and

No. 1174. Harry R. Amott et al., petitioners, *v.* Charles A. Dana et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 609. Charles A. Dana, Sir James Dunn, John W. Hubbard, et al., etc., petitioners, *v.* J. Donald Duncan, as Trustee, et al.;

No. 610. Equitable Office Building 1913 Co., Inc., petitioner, *v.* J. Donald Duncan, as Trustee, et al.; and

No. 612. Adelaide H. Knight and William P. Doyle, Common Stockholders of the Equitable Office Building Corporation, Debtor, petitioners, *v.* J. Donald Duncan, as Trustee, et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1175. The People of the State of New York et al., petitioners, *v.* Raymond L. Gebhardt et al., as Trustees of the New York, Ontario

and Western Railway Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1178. Philadelphia Company, petitioner, *v.* Jules Guggenheim et al.; and

No. 1179. Philadelphia Company, petitioner, *v.* Jules Guggenheim et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1190. Berryman Henwood, Trustee, St. Louis Southwestern Railway Company, petitioner, *v.* Amos Wallace. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1191. The Garlock Packing Company, petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1195. The Columbian National Life Insurance Company, petitioner, *v.* Abraham Goldberg. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1199. Shapiro, Bernstein & Co., Inc., petitioner, *v.* Jerry Vogel Music Co., Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1207. Black Diamond Lines, Inc., and Tampa Inter-Ocean Steamship Company, petitioners, *v.* Pioneer Import Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1051. Health-Mor, Inc., petitioner, *v.* Paul A. Porter, Administrator, Office of Price Administration. The motion to substitute Philip B. Fleming, Temporary Controls Administrator, as the party respondent herein is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit is denied.

No. 1060. H. William Klare, Receiver of Detroit Bankers Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied. The Chief Justice took no part in the consideration or decision of this application.

No. 1140. Ernest Stewart, petitioner, *v.* The State of Ohio. The petition for writ of certiorari to the Supreme Court of Ohio is denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., Sec. 350.

No. 615. Thomas Fife, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 966. Commodore E. Bennett, M. D., petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 1034. Freddie Lee Thomas, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1079. Thomas Higgins, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1183. Archibald Munks, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the County Court of Kings County, State of New York;

No. 1213. Frank Canizio, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Ulster County, State of New York;

No. 1261. Robert Swayze, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1266. Joseph Di Chiara, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1269. Calvin Barnett, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1283. Lew Palmer, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit; and

No. 1284. John F. McNaughton, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 453. The Penfield Company of California and A. W. Young, petitioners, *v.* Securities and Exchange Commission; and

No. 999. Albert Durrett, petitioner, *v.* The United States of America. The petitions for rehearing are denied.

No. 218. Frederic F. Wolter, petitioner, *v.* Safeway Stores, Inc. The motion for leave to file a second petition for rehearing is denied.

No. 990. Morton Friedman, petitioner, *v.* Lewis B. Schwellenbach, Individually and as Secretary as Labor, et al. The petition for rehearing is denied. Mr. Justice Black and Mr. Justice Douglas, having originally voted to grant the petition for certiorari, believe that the petition for rehearing should be granted.

It is ordered that the call of the docket, except for special assignments, be suspended for the term upon the conclusion of the argument in case No. 540, and that the Court will then take a recess until Monday, May 12.

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No. 954. The United States of America, appellant, *v.* James C. Petrillo. Argument commenced by Mr. Assistant to the Attorney General McGregor and continued Mr. Robert L. Stern for the appellant and by Mr. Henry Kaiser and Mr. Joseph A. Padway for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, May 6, will be as follows: Nos. 954, 970, 847, 945 (946 and 947), 1035, 862, and 540.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Karl E. Holderle, Jr., of St. Louis, Mo.; Louis J. Colombo, Jr., of Detroit, Mich.; J. G. Sourwine, of Reno, Nev.; Paul M. Herzog, of New York, N. Y.; Harold A. James, of Toledo, Ohio; Betty Barrett Gillette, of Los Angeles, Calif.; Lillian L. Malley, of Hartford, Conn.; Fred H. Cutts, of Cordele, Ga.; Harold S. Lynton, of New York, N. Y.; Vincent J. Claffey, of Staten Island, N. Y.; Anna F. Nacrelli, of Washington, D. C.; Joseph A. Nacrelli, of Washington, D. C.; George J. Beldock, of New York, N. Y.; John A. Hadden, of Cleveland, Ohio; Ray Bertholf Houston, of Washington, D. C.; Muriel J. Levor, of New York, N. Y.; Marcellina Hummer, of Iowa City, Iowa; Louis A. Sabatino, of Miami, Fla.; Walker Smith, of Chicago, Ill.; Hyman A. Schulson, of Washington, D. C.; Ella Cooper Thomas, of Washington, D. C.; Laurens H. Rhineland, of Washington, D. C.; and Laurence C. Ehrhardt, of New York, N. Y., were admitted to practice.

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No. 954. The United States of America, appellant, *v.* James C. Petrillo. Argument concluded by Mr. Robert L. Stern for the appellant.

No. 970. Brotherhood of Railroad Trainmen, An Unincorporated Association, appellant, *v.* The Baltimore and Ohio Railroad Company et al. Argued by Mr. Burke Williamson for the appellant and by Mr. Ernest S. Ballard for the appellees.

No. 847. The United States, petitioner, *v.* The Munsey Trust Company of Washington, D. C., Receiver. Argued by Mr. Philip Elman for the petitioner and by Mr. Alexander M. Heron and Mr. W. B. Dew for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 7, will be as follows: Nos. 1035, 862, 945 (946 and 947), and 540.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Ralph B. Potts, of Seattle, Wash.; Harry N. Dell, of Royal Oak, Mich.; Geo. J. Lewis, of Lexington, Ky.; Joseph C. Lewis, of Lexington, Ky.; W. Bernard Rodgers, of Canton, Ohio; John Rossetti, of Canton, Ohio; Paul M. Perkins, of Canton, Ohio; D. Deane McLaughlin, of Massillon, Ohio; George Bailey Walsh, of Memphis, Tenn.; Joseph Romaine Cannon, of Houston, Tex.; Nathan J. Paulson, of Alexandria, Va.; John E. Downs, of Saint Joseph, Mo.; Jonathan E. Taylor, of Jefferson City, Mo.; Martin Werner, of New York, N. Y.; William S. Abell, of Washington, D. C.; John P. Bracken, of Philadelphia, Pa.; Willard L. Ellis, of San Francisco, Calif.; Harold J. E. Gesell, of Des Moines, Iowa; Herbert Lipsitz, of Boston, Mass.; Edward C. Grelle, of Chicago, Ill.; James J. Fitzgerald, Jr., of Omaha, Nebr.; Ernest Hubbell, of Trenton, Mo.; Clarence I. Lord, of Trenton, N. J.; Henry Goldman, of Washington, D. C.; M. Mortimer Lancet, of New York, N. Y.; Morris S. Schwartz, of Washington, D. C.; John A. Errico, of Bloomfield, N. J.; Ernest R. D'Amours, of Manchester, N. H.; and Chester M. Wiggins, of Conway, N. H., were admitted to practice.

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No. 1013. Donald E. Hasson, petitioner, *v.* The United States of America. Time within which to file petition for rehearing extended to May 26 on motion of counsel for the petitioner.

No. 1268. J. D. Shelley, Ethel Lee Shelley, His Wife, and Josephine Fitzgerald, petitioners, *v.* Louis Kraemer and Fern Kraemer, His Wife. Time within which to file brief in opposition to petition for certiorari extended to May 21 on motion of counsel for the respondents.

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No. 1035. The United States of America, appellant, *v.* Yellow Cab Company, Chicago Yellow Cab Company, Inc., et al. Argued by Mr. Charles H. Weston for the appellant and by Mr. Samuel H. Kaufman for the appellees.

No. 862. The United States, petitioner, *v.* John J. Felin & Co., Inc. Argued by Mr. Acting Solicitor General Washington for the petitioner and by Mr. Arthur L. Winn, Jr. for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, May 8, will be as follows: Nos. 945 (946 and 947), and 540.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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George E. Glover, of Long Beach, Calif.; Henry F. Lerch, of Washington, D. C.; Arline Craig Rogers, of Washington, D. C.; John Coolick, of Washington, D. C.; and Llewellyn J. Moses, of Los Angeles, Calif., were admitted to practice.

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The Chief Justice announced that the Court would take a recess. The Court reconvened.

The Chief Justice announced the following order:

No. 1346. Willie Francis, petitioner, *v.* E. L. Resweber, Sheriff of the Parish of St. Martin, Louisiana. On petition for writ of certiorari to the Supreme Court of Louisiana; and

No. 140, Misc. Willie Francis, petitioner, *v.* E. L. Resweber, Sheriff of the Parish of St. Martin, Louisiana, et al. On motion for leave to file petition for habeas corpus. The petition of Willie Francis *v.* E. L. Resweber, Sheriff of the Parish of St. Martin, Louisiana, for leave to file an original petition for habeas corpus is denied for reasons set forth in *Ex Parte Hawk*, 321 U. S. 114. In view of the grave nature of the new allegation set forth in this petition, the denial is expressly without prejudice to application to proper tribunals. Mr. Justice Murphy is of opinion that the petition should be granted. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari and the application for stay are denied. Mr. Justice Rutledge is of the opinion that the application in No. 140 Misc. should be treated as a petition for rehearing in No. 142 of October Term, 1946; so regarded, the petition should be granted; the judgment in No. 142 should be vacated; and that cause remanded to the Supreme Court of Louisiana for further proceedings to determine the issues of fact presented by the petition. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 945. John P. McWilliams, petitioner, *v.* Commissioner of Internal Revenue;

No. 946. Estate of Susan P. McWilliams, Deceased, John P. McWilliams, Executor, petitioners, *v.* Commissioner of Internal Revenue; and

No. 947. Brooks B. McWilliams, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. John A. Hadden for the petitioners and by Mr. Arnold Raum for the respondent.

No. 540. Nelson Foster and George Payne, petitioners, *v.* The People of the State of Illinois. Argued by Mr. Charles Kaufman for the petitioners and by Mr. William C. Wines for the respondent.

Adjourned until Monday, May 12, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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C. Lester Trotter, of Washington, D. C.; W. Wade Bromwell, of Arlington, Va.; Edmond A. Chevalier, of Fresno, Calif.; W. B. Matney, of Fort Smith, Ark.; Stanley J. Tracy, of Washington, D. C.; Howard H. Desky, of Oakland, Calif.; Maxwell M. Willens, of Stockton, Calif.; Francis Elwood Barkman, of New York, N. Y.; Harold M. Oster, of Dallas, Tex.; Joseph Orville Parker, of Pratt, Kans.; Robert A. Milne, of Coulee Dam, Wash.; Robert D. Morgan, of Peoria, Ill.; Joseph Karesh, of San Francisco, Calif.; Walter E. Tinsley, of Chicago, Ill.; Milan Edward Ryan, of Santa Monica, Calif.; Samuel Lewis Fendel, of San Francisco, Calif.; Julius J. Novack, of San Bernardino, Calif.; Irwin D. Davidson, of New York, N. Y.; Graham T. Perry, of Chicago, Ill.; Frank S. Ketcham, of New York, N. Y.; Nellie M. Moore, of Washington, D. C.; Howard F. McCue, of Topeka, Kans.; Frederick F. Rehberger, of New York, N. Y.; Henry R. Kempka, of Washington, D. C.; Hy Samuels, of Portland, Oreg.; Sylvan D. Freeman, of New York, N. Y.; David Samuel Korn, of New Haven, Conn.; Walter A. Rochow, of Youngstown, Ohio; Meade C. Patrick, of Washington, D. C.; Thomas J. Beddow, of Washington, D. C.; Madaline Kinted Remmlein, of Washington, D. C.; Ward E. Lattin, of Washington, D. C.; William Leigh Ellis, of Petoskey, Mich.; Ida B. Als, of Washington, D. C.; Howard Boyd, of Washington, D. C., and Dan'l E. Klein, of Baltimore, Md., were admitted to practice.

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No. 343. State of New York, State of Delaware, State of Indiana, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, State of Alabama, et al.;

No. 344. Horace A. Hildreth, Governor of the State of Maine, Charles M. Dale, Governor of the State of New Hampshire, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al.; and

No. 345. The Atchison, Topeka and Santa Fe Railway Company, Beaver, Meade and Englewood Railroad Company, et al., appellants,

*v.* The United States of America, Interstate Commerce Commission, State of Alabama, et al. Appeals from the District Court of the United States for the Northern District of New York. Decree affirmed. Opinion by Mr. Justice Douglas announced by Mr. Justice Burton. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Frankfurter joins.

No. 429. United States of America, petitioner, *v.* Leslie Fullard-Leo, Ellen Fullard-Leo, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Territory of Hawaii. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Rutledge in which the Chief Justice, Mr. Justice Black, and Mr. Justice Murphy concur.

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The Chief Justice announced the following orders of the Court:

No. 940. Hill Packing Company, appellant, *v.* The City of New York, William O'Dwyer, Mayor of the City of New York, et al. Appeal from the Court of Appeals of the State of New York. *Per curiam*: The judgment is affirmed. *Rice v.* Board of Trade of the City of Chicago, Nos. 471 and 473, October Term 1946, decided May 5, 1947. Mr. Justice Reed and Mr. Justice Rutledge agree only that probable jurisdiction should be noted.

No. 1294. Sonnie Dobbs, Jr., appellant, *v.* State of Mississippi. Appeal from the Supreme Court of Mississippi. *Per curiam*: The motion for leave to proceed *in forma pauperis* is granted. The appeal is dismissed. Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by sec. 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied. *Ex parte Hawk*, 321 U. S. 114; *Mooney v. Holohan*, 294 U. S. 103. Mr. Justice Murphy is of the opinion that certiorari should be granted.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 11, Original. The State of Georgia, complainant, *v.* The Pennsylvania Railroad Company et al. Upon consideration of the motion of the State of Alabama for leave to file petition of intervention, the opposition thereto, and the Special Report of the Special Master thereon, the motion is denied.

No. 137, Misc. Ex parte Dorsey McMahan, petitioner. The motion for leave to file a petition for writ of mandamus is denied.

No. 138, Misc. Davis MacBlain, petitioner, *v.* C. J. Burke, Warden. The motion for leave to file a petition for writ of habeas corpus is denied.

No. 139, Misc. Ex parte Edward Reasor, petitioner. The motion for leave to file a petition for writ of certiorari is denied.

No. 1249. The United States of America, appellant, *v.* L. C. Griffith, H. J. Griffith, Consolidated Theatres, Inc., et al. In this case probable jurisdiction is noted and the case is assigned for argument immediately following No. 572.

No. 836. Alaska Juneau Gold Mining Company, petitioner, *v.* E. E. Robertson, as Representative of and on Behalf of J. A. Behrends, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 943. Foster Brown, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals, State of Texas, denied.

No. 1063. O. H. Fischer and Martha Fischer, petitioners, *v.* The City of Oklahoma City, a Municipal Corporation. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 1134. Central States Electric Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1180. Brooks Clothing of California, Ltd., petitioner, *v.* Brooks Brothers, a Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1194. Alice Martens Young, etc., petitioner, *v.* Clinton P. Anderson, Secretary of Agriculture of the United States, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1197. Rinehard H. Peters, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1206. Francis S. Clamitz, petitioner, *v.* Thatcher Manufacturing Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 961. James Chester Birtch and William Arthur Denham, petitioners, *v.* Walter A. Hunter, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 1187. Fred Jackson, petitioner, *v.* State of Tennessee. On petition for writ of certiorari to the Supreme Court of Tennessee;

No. 1242. Stephen Stokey, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Court of General Sessions, New York County, State of New York;

No. 1250. Mae Owens Case, petitioner, *v.* The Government, Justice Department, Civil Service Commission, et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1288. Fred Stahl, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1289. Fred Stahl, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Carroll County, State of Illinois;

No. 1290. Fred Stahl, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1291. Earl Osborn, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of LaSalle County, State of Illinois; and

No. 1292. Frank Hayes Ross, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 1301. Julius Weisberg, petitioner, *v.* The People of the State of Illinois. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Illinois is denied. Mr. Justice Murphy is of the opinion that the petition for certiorari should be granted.

No. 1241. William Fisher, petitioner, *v.* The People of the State of New York. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the County Court of Kings County, State of New York, is dismissed on motion of the petitioner.

No. 106, Misc. Ex parte Stanley B. Peplowski, petitioner;

No. 1085. Samuel Salvadore Perniciaro, petitioner, *v.* The United States of America; and

No. 1100. The United States of America, appellant, *v.* Lionel Palletz. The petitions for rehearing are denied.

No. 1016. Robert L. Peyton, petitioner, *v.* Railway Express Agency, Inc. The second petition for rehearing is denied.

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Mr. Justice Douglas took no part in the consideration or decision of cases appearing upon this list in which judgments or orders are entered with the exception of case No. 11, Original.

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## ORDER

The Court will take a recess from today until Monday, May 19, next.

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Adjourned until Monday, May 19, next, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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George Triedman, of Providence, R. I.; George H. Layman, of Newberg, Oreg.; Wesley A. Wilkinson, of Cleveland, Ohio; Emma M. Cummings, of Boston, Mass.; Allison Compton Russell, of Cleveland, Ohio; George A. Sutton, of Pontiac, Mich.; John J. Snyder, of Harrisburg, Pa.; Albert D. Misler, of Washington, D. C.; Edwin D. Dupree, Jr., of Pine Bluff, Ark.; Carleton Harris, of Pine Bluff, Ark.; John A. McLeod, Jr., of Pine Bluff, Ark.; Robert Rice Pierce, of Cleveland, Ohio; Lawrence C. Moore, of New York, N. Y.; Amos Bissell Glann, of Apalachin, N. Y.; Harold Anthony O'Connell, of Springfield, Va.; Bernard Koteen, of Paterson, N. J.; Edmund B. Naylon, of New York, N. Y.; Royal F. Shepard, of New York, N. Y.; W. Theophilus Jones, of Washington, D. C.; A. Roland Kestler, of New York, N. Y.; Janet Coats Lowry, of Alexandria, Va.; Robert B. Lowry, of Alexandria, Va.; Mary Poindexter Clark, of Washington, D. C.; Sydney J. Schneider, of New York, N. Y.; Carroll A. Cahen, of Edmonds, Wash.; Nicholas E. Allen, of Washington, D. C.; John Edward Dunphy, of Washington, D. C.; William W. Owens, of New York, N. Y.; Frederick W. R. Pride, of New York, N. Y.; Jack Richard Kates, of Los Angeles, Calif.; Nathan Kates, of San Fernando, Calif.; Joseph W. Grier, Jr., of Charlotte, N. C.; Bernard L. Eberts, of Washington, D. C.; William B. Jones, of Chevy Chase, Md.; Robert F. Sutphin, of Washington, D. C.; Janie Gammon Lee, of Washington, D. C.; Vinton E. Lee, of Washington, D. C.; Thomas E. Drumm, Jr., of New York, N. Y.; Francis M. Dent of Detroit Mich.; Raymond Winfred Cannon of Minneapolis, Minn.; and Willard H. Pedrick, of Fairfield, Iowa, were admitted to practice.

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**No. 419.** National Labor Relations Board, petitioner, *v.* E. C. Atkins and Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the Circuit Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting: The Chief Justice, Mr. Justice Frankfurter, and Mr. Justice Jackson.

No. 418. National Labor Relations Board, petitioner, *v.* Jones & Laughlin Steel Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the Circuit Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting: The Chief Justice, Mr. Justice Frankfurter, Mr. Justice Jackson, and Mr. Justice Burton.

No. 718. The United States of America, appellant, *v.* Michael Walsh, an Individual Trading as Kelp Laboratories. Appeal from the District Court of the United States for the Southern District of California. Judgment reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Jackson.

No. 241. Conway C. Craig, Bob McCracken, and Tom Mulvany, petitioners, *v.* John B. Harney, Sheriff of Nueces County, Texas. On writ of certiorari to the Court of Criminal Appeals of the State of Texas. Judgment reversed with costs and case remanded for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas announced by Mr. Justice Reed. Concurring opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice joins. Dissenting opinion by Mr. Justice Jackson.

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The Chief Justice announced the following orders of the Court:

No. 715. State of Oklahoma and Champlin Refining Company, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. *Per curiam*: The judgment is affirmed. *Oklahoma v. Texas*, 258 U. S. 574; *Brewer Oil Co. v. United States*, 260 U. S. 77.

No. 1161. The Times-Mirror Company, Norman Chandler, R. F. Marx, J. J. Cohen, and A. A. Kurze, petitioners, *v.* National Labor Relations Board. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit *Per curiam*: The petition for writ of certiorari is granted. The judgment is vacated and the cause is remanded with directions to make findings of fact. Cf. *Virginian Ry. v. United States*, 272 U. S. 658, 675; Rule 52 of the Rules of Civil Procedure.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. In the Matter of the Disbarment of Hulon Capshaw. This Court, by order of November 6, 1944, having directed the issue of a rule requiring Hulon Capshaw, of New York City, New York, a member of the bar of this Court, to show cause why he should not be disbarred from further practice of the law in this Court; and a rule having issued and the said Hulon Capshaw having filed a return thereto;

And this Court, by order of February 12, 1945, having referred the rule to show cause and the return aforesaid, together with all papers relating to the matter, to Mr. Christopher B. Garnett and Mr. Spencer Gordon, of Washington, D. C., and Mr. Harry N. Baetjer, of Baltimore, Maryland, as a committee of the bar of this Court, to make such inquiry into the matter as should be necessary or appropriate and thereupon to report to this Court;

And the report of said committee, the record and exhibits thereto having been received and filed, and counsel for the said Hulon Capshaw having filed a motion for oral argument and exceptions to the report of the committee;

Therefore, upon consideration of the report, recommendations of the committee, the record and exhibits, exceptions to the report, and motion for oral argument, it is ordered that the motion for oral argument upon the exceptions to the report of the committee be, and it is hereby, denied.

It is further ordered that the said Hulon Capshaw be, and he is hereby, disbarred from the further practice of the law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the bar of this Court.

No. 128, Misc. In the Matter of the Disbarment of Leonard Eriksson. It having been reported to the Court that Leonard Eriksson, of Fergus Falls, Minnesota, has been disbarred from the practice of law by the Supreme Court of the State of Minnesota; and this Court by order of March 31, 1947, having suspended the said Leonard Eriksson from the practice of the law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the rule to show cause was duly issued and served upon the respondent, and that the time within which to file a return to the rule has expired;

It is ordered that the said Leonard Eriksson be, and he is hereby, disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the bar of this Court.

No. 141, Misc. Thomas Henry Robinson, Jr., petitioner, *v.* Roy M. Shelbourne, Judge, etc. Application denied.

No. **1262.** Panhandle Eastern Pipe Line Company, appellant, *v.* The Public Service Commission of Indiana et al. In this case probable jurisdiction is noted.

No. **1193.** The United States of America, petitioner, *v.* Michael Di Re. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. **1214.** American Power & Light Company and Florida Power & Light Company, petitioners, *v.* Securities & Exchange Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. **1215.** Leonard East and Alvin G. East, Doing Business as L. East Produce Company, petitioners, *v.* Paul A. Porter, Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. **1217.** Virginia Dare Transportation Co., Inc., petitioner, *v.* Norfolk Southern Bus Corporation; and

No. **1218.** Norfolk Southern Bus Corporation, petitioner, *v.* Virginia Dare Transportation Co., Inc. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. **1219.** R. D. Reser, petitioner, *v.* Philip B. Fleming, Temporary Controls Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. **1226.** Texasteel Manufacturing Company et al., petitioners, *v.* Seaboard Surety Company; and

No. **1227.** George W. Armstrong, Sr., et al., petitioners, *v.* Seaboard Surety Company. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. **1236.** Jones & Laughlin Steel Corporation, petitioner, *v.* United Mine Workers of America, and John L. Lewis, as a Representative Member Thereof, National Labor Relations Board, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. **1239.** S. L. Hurt et al., petitioners, *v.* Cotton States Fertilizer Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. **1246.** Wall Wire Products Company, petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. **1248.** R. L. Bradford, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1253. Marguerite S. Glover, petitioner, *v.* McM. Coffing, Trustee in Bankruptcy, V-I-D, Inc., Debtor, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1254. Ruby Mayfield, Administratrix of the Estate of Reuben Thomas, Deceased, petitioner *v.* Kansas City Life Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1318. W. Comer Davis, Reese Perry, and John C. Townley, as Tax Assessors of Fulton County, Georgia, et al., petitioners, *v.* The Penn Mutual Life Insurance Company. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 1097. Alfred L. Hawkins and Laurence I. Prout, petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1186. Clyde Meeks, petitioner, *v.* Ben B. Stewart, Warden, Missouri State Penitentiary. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 1189. Adolph Starr, petitioner, *v.* State Board of Law Examiners for the State of Indiana and the Supreme Court of Indiana. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 1259. Oliver Snell, petitioner, *v.* The State of Florida. On petition for writ of certiorari to the Supreme Court of Florida;

No. 1312. John J. Kern, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 1316. James C. Jones, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County and Circuit Court of Will County, State of Illinois;

No. 1330. Gerald P. Fleeger, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1331. Sigurd Soross, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1332. Dewright Baxter, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois; and

No. 1333. John Brill, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 126, Misc. Ex parte Edward J. Sterba, Jr., petitioner;

No. 878. Willis Rogers, petitioner, *v.* P. J. Squier, Warden, etc.;

No. 912. John Boyce Davis, petitioner, *v.* James A. Johnston, Warden, etc.;

No. 1250: Mae Owens Case, petitioner, *v.* The Government, Justice Department, Civil Service Commission, et al.; and

No. 1301. Julius Weisberg, petitioner, *v.* The People of the State of Illinois. The petitions for rehearing are denied.

No. 953. The Sanitary District of Chicago, petitioner, *v.* Activated Sludge, Inc., Activated Sludge, Ltd., Edgar C. Guthard, et al., etc. The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is denied.

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Mr. Justice Douglas took no part in the consideration or decision of cases appearing upon this list in which judgments or orders are entered with the exception of case No. 715.

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ORDER

The Court will take a recess from today until Monday, June 2, from that day until Monday, June 9, and from that day until Monday, June 16, upon which day it will adjourn for the term unless otherwise ordered.

No motions, except motions for admission to practice, will be received after the session next before the date fixed for adjournment of the term.

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Adjourned until Monday, June 2, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Arthur Lory Rakestraw, of Oklahoma City, Okla.; Bryan L. Rakestraw, of Oklahoma City, Okla.; Carroll C. Hollensworth, of Warren, Ark.; Wm. Max Howell, of Little Rock, Ark.; Walter F. Hill, of Prague, Okla.; William L. Ward, of Marianna, Ark.; Joe W. McCoy, of Malvern, Ark.; Edwin Cash, of Malvern, Ark.; John H. Rice, of Philadelphia, Pa.; Howard S. Spering, of Philadelphia, Pa.; Thomas S. Wilson, of Portland, Oreg.; A. Langley Coffey, of Tulsa, Okla.; L. D. Ratliff, of Spur, Tex.; Mart J. O'Malley, of Indianapolis, Ind.; C. Ballard Harrison, of Hammond, Ind.; Zelma D. Derry, of Ogallala, Nebr.; James H. Gillard, of Piedmont, Calif.; Gilbert J. Stern, of Baltimore, Md.; Wolfred W. Peck, of Alexandria, Va.; Jon Cornelius Wiig, of Honolulu, T. H.; Raphael H. Weissman, of New York, N. Y.; William J. Wilson, of New York, N. Y.; Leander R. Sadtler, of Baltimore, Md.; Richard P. Heppner, of New York, N. Y.; Duncan C. Lee, of Washington, D. C.; Wilbur Lane, of Flora, Ind.; Damon M. Gunn, of Waterloo, Iowa; Robert Lynn Lancefield, of Berkeley, Calif.; Donald Lee Garver, of Dodge City, Kans.; Philip Price, of Philadelphia, Pa.; Julian M. Meer, of San Antonio, Tex.; William H. Quasha, of Manila, P. I.; Lloyd T. Chockley, of Detroit, Mich.; McIntyre Faries, of Los Angeles, Calif.; Edwin L. Fisher, of Bethesda, Md.; John A. Clark, of Washington, D. C.; Robert H. Hunter, of Washington, D. C.; Gilbert G. Ackroyd, of Alexandria, Va.; Carlos E. McAfee, of Washington, D. C.; Chester D. Silvers, of Lexington, Ky.; A. Newton Huff, of Havertown, Pa.; William R. Orlandi, of Nanticoke, Pa.; Clyde Crabill Warren, of Greenville, Ohio; Austin Hoyt, of Alexandria, Va.; Albert H. Allen, of Beverly Hills, Calif.; Beverly Mosby Coleman, of Washington, D. C.; Robert W. Ball, of Wilmington, Del.; Ruby H. Moss, of Washington, D. C.; Ida May Thayer, of Washington, D. C.; Blanche Borton Ryder, of Vicksburg, Mich.; Solly Robins, of St. Paul, Minn.; William Francis McKenna, of East Greenwich, R. I.; Herndon Philpott Jeffreys, Jr., of Richmond, Va.; Arthur A. Dickerman, of Greenbelt, Md.; A. King Braelow, of Newark, N. J.; Joseph C. Waddy, of Washington, D. C.; Lemuel Skidmore, of New York, N. Y.; John R. Montgomery, of Chi-

cago, Ill.; Charles B. Bayly, Jr., of Cleveland, Ohio; Leonard Bronner, Jr., of New York, N. Y.; Loyd Earl Wright, of Los Angeles, Calif.; John E. Blackstone, of Waukesha, Wis.; David B. Alford, of Middleburg, N. Y.; H. V. Forsyth, of Ashland, Ky.; Ben Grodsky, of Chicago, Ill.; Emanuel S. Lowinger, of Newark, N. J.; Marcus L. Meyer, of Washington, D. C.; Carson M. Glass, of Corpus Christi, Tex.; Glenn F. Morgan, of Washington, D. C.; and Harold P. Kehoe, of Washington, D. C., were admitted to practice.

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No. 367. John Meyers, petitioner, *v.* Reading Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs and case remanded to the District Court of the United States for the Eastern District of Pennsylvania for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Burton.

No. 498. The United States of America, petitioner, *v.* Honorable William F. Smith, a District Judge Especially Designated and Assigned to Hold the District Court of the United States for the Middle District of Pennsylvania, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the Circuit Court of Appeals with direction that writs issue to effect vacation of the order of the District Court for a new trial. Opinion by Mr. Justice Jackson.

No. 593. Francis R. Cope, Jr., petitioner, *v.* A. M. Anderson, Receiver of the National Bank of Kentucky. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit; and

No. 656. A. M. Anderson, Receiver of the National Bank of Kentucky, Louisville, Kentucky, petitioner, *v.* Lawrence S. Helmers, Lewis Levi, Oscar Schwartz, Alice Sterne. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment in No. 593 reversed with costs and case remanded to the District Court of the United States for the Eastern District of Pennsylvania for proceedings in conformity with the opinion of this Court. Judgment in No. 656 affirmed with costs and case remanded to the District Court of the United States for the Southern District of Ohio. Opinion by Mr. Justice Black. The Chief Justice took no part in the consideration or decision of these cases.

No. 10, original. The United States of America, complainant, *v.* The State of Wyoming and The Ohio Oil Company. Case recommitted to the Special Master for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Vinson.

The Chief Justice announced the following orders of the Court:

No. 793. The United States of America, petitioner, *v.* Elliott W. Michener. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: Reversed. Blockburger *v.* United States, 284 U. S. 299; Albrecht *v.* United States, 273 U. S. 1; Gavieres *v.* United States, 220 U. S. 338. Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge share the view of the Circuit Court of Appeals, 157 F. 2d 616, that this case is controlled by the principles announced in Morgan *v.* United States, 294 Fed. 82, 84; Tritico *v.* United States, 4 F. 2d 664, and Goetz *v.* United States, 39 F. 2d 903, and accordingly would affirm the judgment below.

No. 1286. I. H. Spears, appellant, *v.* Eva Mae Spears; and

No. 1370. I. H. Spears, appellant, *v.* Eva Mae Spears. Appeals from the Supreme Court of Michigan. *Per curiam*: The appeals are dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeals were allowed as petitions for writs of certiorari as required by sec. 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. 1309. Corn Products Refining Company, appellant, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Northern District of Illinois. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. United States *v.* American Sheet and Tin Plate Co., 301 U. S. 402; United States *v.* Wabash R. Co., 321 U. S. 403.

No. 1334. The United States of America, appellant, *v.* Clarke T. Wheelbarger;

No. 1335. The United States of America, appellant, *v.* Irva Rambeau;

No. 1336. The United States of America, appellant, *v.* S. J. Lewin; and

No. 1341. The United States of America, appellant, *v.* Max Sagner. Appeals from the District Court of the United States for the District of Oregon. *Per curiam*: The judgments are reversed. United States *v.* Palletz, No. 1100, October Term 1946, decided April 7, 1947, and authorities cited.

No. 1344. Humble Oil & Refining Company, appellant, *v.* The Railroad Commission of Texas et al.; and

No. 1345. Floy K. Williams et al., appellants, *v.* The Railroad Commission of Texas et al. Appeals from the Court of Civil Appeals,

3d Supreme Judicial District of Texas. *Per curiam*: The motion to affirm is granted and the judgments are affirmed.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. Frederick E. Bauer *v.* Tom Clark, Attorney General of the United States. The application for the appointment of counsel is denied.

No. 142, Misc. Dorsey Edmondson, petitioner, *v.* Patrick J. Brady, Warden, Maryland Penitentiary. The motion for leave to file petition for certiorari is denied.

No. 143, Misc. Archie L. Maloyan, petitioner, *v.* The United States Congress. The application is denied.

No. 144, Misc. Ex parte Leroy Switzer, petitioner. The application is denied for the reason that it is not made within the time provided by law.

No. 1374. People of the State of Illinois ex rel. Vashti McCollum, appellant, *v.* Board of Education of School District No. 71, Champaign County, Illinois, et al. In this case probable jurisdiction is noted.

No. 1264. Giles Kavanagh, Collector of Internal Revenue, petitioner, *v.* J. H. Noble. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted.

No. 1265. H. C. Jones, Collector of Internal Revenue, petitioner, *v.* The Liberty Glass Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 1285. Marianna Von Moltke, petitioner, *v.* A. Blake Gillies, Superintendent of the Detroit House of Correction. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted.

No. 1300. Mandeville Island Farms, Inc., and Roscoe C. Zuckerman, petitioners, *v.* American Crystal Sugar Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 1244. Jose Audon Salazar Delgadillo, petitioner, *v.* Albert Del Guercio, District Director, Immigration and Naturalization Service, United States Department of Justice, District No. 16. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted and the case is transferred to the summary docket.

No. 1098. William Shapiro, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted and the case is transferred to the summary docket.

No. 1401. The United States of America, appellant, *v.* James Hoffman. This case is transferred to the summary docket and assigned for argument immediately following No. 1098.

No. 1317. George J. Furman, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. Petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois, dismissed on motion of the petitioner.

No. 1139. William I. Heffron, Trustee in Bankruptcy of the Estate of Bert O. Adams, etc., et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1154. The United States of America, petitioner, *v.* Modern Reed and Rattan Company, Inc., and Achille Giannasca. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1155. Bankers Farm Mortgage Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 1210. Kiyochi Fujikawa et al., petitioners, *v.* The Sunrise Soda Works Company, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1237. State of New York, petitioner, *v.* The United States of America (Relative to the Condemnation by the United States of Certain Easement Rights in 220 Acres of Land in Essex and Hamilton Counties, New York). Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1240. Isaac T. Rackley, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1247. Richard Henry Lea, Jr., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1251. Fernando Quinones Jimenez, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 1252. Ex parte William F. Brack, petitioner. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1260. Vica Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1267. Earl Tunget, petitioner, *v.* Commonwealth of Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1270. Anglin & Stevenson et al., petitioners, *v.* The United States of America, For Itself and For Its Indian Wards, Annie Beams, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1273. Refrigeration Patents Corporation, petitioner, *v.* Stewart-Warner Corporation; and

No. 1274. Potter Refrigerator Corporation, petitioner, *v.* Stewart-Warner Corporation. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1275. Frank Bailey et al., petitioners, *v.* Edward O. Proctor et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 1276. Frank Bailey et al., petitioners, *v.* Hugh D. McLellan et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 1277. In the Matter of the Application to Discipline Jules Chopak, petitioner. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1278. John B. Wootten and John B. Wootten, as Trustee Under the Last Will and Testament of R. K. Wotten, Deceased, petitioner, *v.* Carl Eklund Wootten, a Minor, By and Through His Mother and Next Friend, Vendla E. Wootten; and

No. 1279. John B. Wootten and John B. Wootten, as Trustee Under the Last Will and Testament of R. K. Wootten, Deceased, petitioner, *v.* Vendla E. Wooten. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1280. Vail Manufacturing Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1282. Francis X. Gomila, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1297. Alfred W. Masters, petitioner, *v.* The New York Central Railroad Company. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1298. Estate of Ada M. Wilkinson, Central Hanover Bank & Trust Company, Executor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1299. The Standard Oil Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1302. The Republic of the United States of Brazil, Trading Under the Name and Style of Lloyd Brasileiro, As Owner of the S. S. Pocone, for Exoneration, petitioner, *v.* The Great Atlantic & Pacific Tea Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1308. Ralph Crews, Charley Crews, Robert Crews, et al., petitioners, *v.* D. J. Oven, A. D. N. Champlin, Helen Champlin Oven et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1303. Commissioner of Internal Revenue, petitioner, *v.* Singer Sewing Machine Company;

No. 1304. Commissioner of Internal Revenue, petitioner, *v.* Singer Sewing Machine Company; and

No. 1305. Commissioner of Internal Revenue, petitioner, *v.* Singer Sewing Machine Company. Petition for writs of certiorari to the Circuit of Appeals for the Third Circuit denied.

No. 1376. Stokes & Smith Company, petitioner, *v.* Transparent-Wrap Machine Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1342. Thomas Balogh, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1211. James M. Curley, petitioner, *v.* The United States of America; and

No. 1235. Donald Wakefield Smith, petitioner, *v.* The United States of America. The motions to dispense with the printing of the record are granted. The petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia are denied. Mr. Justice Murphy is of the opinion that the petitions for certiorari should be granted. Mr. Justice Frankfurter took no part in the consideration or decision of these applications.

No. 1234. A. J. Helfend, petitioner, *v.* Philip B. Fleming, Temporary Controls Administrator. The motion to substitute Frank R. Creedon, Housing Expediter, as the party respondent is granted. The petition for writ of certiorari to the United States Emergency Court of Appeals is denied.

No. 1271. The P. Dougherty Company, petitioner, *v.* Commissioner of Internal Revenue. The motion to defer consideration is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit is also denied.

No. 1296. Ben F. Hopkins, petitioner, *v.* Commissioner of Internal Revenue. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 1315. Jerome A. Nevius, petitioner, *v.* State of Ohio. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the Supreme Court of Ohio is denied.

No. 748. Wallace James Cruse, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 777. Emanuel Cannady, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 956. Roy L. Story, petitioner, *v.* Walter A. Hunter, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 1109. The United States of America *ex rel.* William Gerald Bishop, petitioner, *v.* Frank Watkins, District Director of Immigration and Naturalization for the Southern District of New York. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 1111. Herman A. Setser, petitioner, *v.* E. J. Welch, Superintendent, District of Columbia Reformatory. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 1112. Joe Calhoun, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of St. Clair County, State of Illinois;

No. 1177. Bessie Higgins, petitioner, *v.* The United States. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1238. George Michael Murphy, petitioner, *v.* State of Wisconsin. On petition for writ of certiorari to the Supreme Court of Wisconsin;

No. 1287. Theodore Blackwell, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Albany County, State of New York;

No. 1293. Fred Wilson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 1343. Bernard M. Shotkin, petitioner, *v.* Edgar E. Pomeroy et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1359. Robert Johnson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1364. Joseph C. Roberts, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 1375. William G. Hayes, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1379. James H. Johnson, petitioner, *v.* Clarence D. Clow. On petition for writ of certiorari to the Supreme Court of New York, Appellate Division;

No. 1381. William F. Krell, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1387. Walter Williams, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 1388. John E. Kennedy, petitioner, *v.* C. J. Burke, Warden, etc. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania; and

No. 1390. Charles E. Thompson, petitioner, *v.* State of Indiana. On petition for writ of certiorari to the Supreme Court of Indiana. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

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Adjourned until Monday, June 9, next, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Franz E. Swaty, of Arkadelphia, Ark.; Louis M. Hopping, of Detroit, Mich.; James J. Silver, of Tucson, Ariz.; James E. Palmer, Jr., of Merrifield, Va.; Louis A. Boxleitner, of Cleveland, Ohio; Vivian I. Goad, of Washington, D. C.; Frank H. Peterman, of Alexandria, La.; C. James McLemore, of Indianapolis, Ind.; R. D. Everitt, of Ruleville, Miss.; Howard Murray Kuehner, of Philadelphia, Pa.; Norman R. Bradley, of Philadelphia, Pa.; John A. Geisz, of Philadelphia, Pa.; Robert K. Light, of Los Angeles, Calif.; Hugh Barbour Hutchison, of Washington, D. C.; Milton R. Wexler, of New York, N. Y.; Bernard C. Brannon, of Kansas City, Mo.; Lowell Starbuck Nicholson, of Boston, Mass.; William H. Webb, of Washington, D. C.; Francis A. Brick, Jr., of New York, N. Y.; Joseph F. O'Connell, Jr., of Boston, Mass.; Irwin S. Rubin, of Boston, Mass.; Maxwell Brandwen, of New York, N. Y.; Isadore G. Alk, of Washington, D. C.; Walter J. Bixler, of Peru, Ind.; Harry K. Cuthbertson, of Peru, Ind.; Simon A. Bahr, of New Brunswick, N. J.; Albert I. Schmalholz, of New York, N. Y.; Irving Tick, of New York, N. Y.; Benjamin Melniker, of New York, N. Y.; Jerome Alfred Polcari, of Boston, Mass.; Nat M. Kahn, of Chicago, Ill.; John Ward Cutler, of Washington, D. C.; Oscar Shienbrood, of Kenosha, Wis.; John H. Moeur, of Phoenix, Ariz.; Henry J. Kiernan, of New York, N. Y.; Lewis W. Olliffe, of Brooklyn, N. Y.; Alfred Meisner, of New York, N. Y.; Mary E. Emery, of Washington, D. C.; David S. Allshouse, of Washington, D. C.; Saul J. Jaffe, of Passaic, N. J.; Daniel F. Kemp, of Riverside, Ill.; James G. Johnson, Jr., of Larchmount, N. Y.; Gordon Burt Affleck, of Salt Lake City, Utah; John Donald Hauselt, of Wellsville, N. Y.; Hyman Scher, of Pittsburgh, Pa.; Harold Alper, of Newark, N. J.; Woodruff J. Deem, of Washington, D. C.; George W. Murphy, of Washington, D. C.; Max L. Rothenberg, of New York, N. Y.; Fred J. Moses, Jr., of Knoxville, Tenn.; Henry K. Williams, Jr., of Knoxville, Tenn.; Alexander Georges, of Milwaukee, Wis.; William B. Gittens, of Washington, D. C.; Frank X. Brown, of Washington, D. C.; and William J. Hughes, Jr., of Washington, D. C., were admitted to practice.

No. 32. The Order of United Commercial Travelers of America, petitioner, *v.* Edward C. Wolfe. On writ of certiorari to the Supreme Court of the State of South Dakota. Judgment reversed with costs and case remanded to the Supreme Court for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge join.

No. 103. The Gospel Army, a Corporation, appellant, *v.* The City of Los Angeles, Board of Social Service Commissioners, Department of Social Service, and Dan O. Hoye, City Controller. Appeal from the Supreme Court of the State of California. Appeal dismissed for the want of jurisdiction. Opinion by Mr. Justice Rutledge.

No. 574. The Rescue Army, a Corporation, and Charles T. Murdock, appellants, *v.* The Municipal Court of the City of Los Angeles. Appeal from the Supreme Court of the State of California. Appeal dismissed at cost of appellants but without prejudice to the determination in the future of any issues arising under the Federal Constitution from further proceedings in the Municipal Court of Los Angeles. Opinion by Mr. Justice Rutledge. Mr. Justice Black concurs in the result. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Douglas joins.

No. 606. The United States of America, petitioner, *v.* Samuel Bayer, Elias Bayer, and Walter V. Radovich. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals reversed and that of the District Court affirmed and case remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Jackson. Dissenting: Mr. Justice Frankfurter. Mr. Justice Rutledge is of the view that the judgment of the Circuit Court of Appeals should be affirmed insofar as it relates to the respondent Radovich, for the reasons stated in that Court's opinion.

No. 970. Brotherhood of Railroad Trainmen, an Unincorporated Association, appellant, *v.* The Baltimore and Ohio Railroad Company, The Chesapeake and Ohio Railway Company, Erie Railroad Company, et al. Appeal from the District Court of the United States for the Northern District of Illinois. Judgment reversed with costs and case remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Murphy.

No. 626. Tom C. Clark, Attorney General, as Successor to the Alien Property Custodian, petitioner, *v.* Alvina Allen, Gertrude Dinwiddie, Hilda Pigozzi, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed in part and affirmed in part and case remanded to the District Court

of the United States for the Northern District of California for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Opinion by Mr. Justice Rutledge concurring in part.

No. 461. William Greenough and George Henry Warren, Jr., Trustees, appellants, *v.* Tax Assessors of the City of Newport; and Edward L. Leahy, Tax Administrator of the State of Rhode Island. Appeal from the Superior Court of the County of Newport, State of Rhode Island. Judgment affirmed with costs. Opinion by Mr. Justice Reed. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Murphy joins. Dissenting opinion by Mr. Justice Rutledge in which the Chief Justice concurs.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 107, Misc. Ex parte Robert H. Best, petitioner. The application is dismissed on motion of counsel for the petitioner.

No. 146, Misc. Frank Ford, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 148, Misc. Henry Hooper, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 147, Misc. David H. Johnson, petitioner, *v.* State of Utah. The application is denied.

No. 151, Misc. Thomas Henry McMonigle, petitioner, *v.* People of the State of California. The application for a stay is denied.

No. 464. The United States of America, appellant, *v.* Line Material Company, General Electric Company, James R. Kearney Corporation, et al.; and

No. 862. The United States, petitioner, *v.* John J. Felin & Co., Inc. These cases are ordered restored to the docket and assigned for reargument.

No. 1414. Marriner S. Eccles, Ronald Ransom, M. S. Szymczak, et al., petitioners, *v.* Peoples Bank of Lakewood Village, California. Time within which to file respondent's brief extended to July 7, next, on motion of counsel for the respondent.

No. 1256. Wesley William Cox, petitioner, *v.* The United States of America;

No. 1257. Theodore Romaine Thompson, petitioner, *v.* The United States of America; and

No. 1258. Wilbur Roisum, petitioner, *v.* The United States of America. The petitions for writs of certiorari to the Circuit Court

of Appeals for the Ninth Circuit are granted and the cases are consolidated for argument. The time for oral argument is limited to one hour a side.

No. 1024. Donald Wade, petitioner, *v.* Nathan Mayo, as State Prison Custodian of the State of Florida. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is granted and the case is transferred to the summary docket.

No. 1141. Lee Arenas, petitioner, *v.* The United States of America; and

No. 1272. The United States of America, petitioner, *v.* Lee Arenas. The petitions for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit are denied.

No. 1196. Joseph E. Ragen, Warden, Illinois State Penitentiary, petitioner, *v.* The United States of America, ex rel., John H. Rooney. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1281. G. E. Gray, J. C. Pitts, and Floyd Brown, petitioners, *v.* Commodity Credit Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1307. Wabash Oil and Gas Association, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 1310. Bush Terminal Railroad Company, petitioner, *v.* Bush Terminal Building Company. Petition for writ of certiorari to the Supreme Court of New York, Appellate Division, Second Judicial Department, denied.

No. 1313. John W. Kempe, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1326. James E. Henderson, as Executor of the Last Will and Testament of Nellie Euretta Taylor, Deceased, petitioner, *v.* Ethel Strickland Rogan, Individually and as Executrix of the Last Will and Testament of Nat Rogan, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1327. James A. Dooley, petitioner, *v.* G. B. Scott, Administrator of the Estate of Thomas A. Scott, Deceased, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1328. Roy D. Keehn, as Receiver of Central Mutual Insurance Company of Chicago, petitioner, *v.* Brady Transfer & Storage Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1337. Lee Ward, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1418. The New York Central Railroad Company et al., petitioners, *v.* Henry K. Norton, Successor Trustee of New York, Susquehanna and Western Railroad Company; and

No. 1419. The New York Central Railroad Company et al., petitioners, *v.* New York Life Insurance Company et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1263. Paysoff Tinkoff, petitioner, *v.* Nigel D. Campbell, Collector of Internal Revenue. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit is denied.

No. 1322. Bennett Mellen, a Minor, By His Father and Next Friend, Joseph H. Mellen, petitioner, *v.* H. B. Hirsch & Sons et al. The motion to dispense with the printing of the petition and record is granted. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied.

No. 1347. Samuel L. Geiselman, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Nassau County, State of New York;

No. 1360. Donald Hammond, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1365. Charles Campiglia, petitioner, *v.* State of New York. On petition for writ of certiorari to the County Court of Suffolk County, State of New York;

No. 1398. Dewright Baxter, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1399. Richard Cunningham, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 1400. Edward McCollister, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 1040. Gene McCann, petitioner, *v.* Tom C. Clark, Attorney General of the United States, etc., et al. The motion for leave to proceed *in forma pauperis* is granted. The motion for oral argument

and other relief is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is denied.

No. 343. State of New York, State of Delaware, State of Indiana, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, State of Alabama, et al.; and

No. 344. Horace A. Hildreth, Governor of the State of Maine, and Charles M. Dale, Governor of the State of New Hampshire, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al.;

No. 575. Jack Gorum and National Mutual Casualty Company, petitioners, *v.* Ruby O. Loudenslager and Charlotte Loudenslager;

No. 1026. Sam Ruben, petitioner, *v.* E. J. Welch, Superintendent of the District of Columbia Reformatory;

No. 1096. Mrs. Mattie L. Smith, appellant, *v.* Jefferson County, Georgia, etc., et al.;

No. 1106. Ira B. Arnstein, petitioner, *v.* Cole Porter;

No. 1127. Dimas Ygnacio Ybarra Amaya et al., petitioners, *v.* Stanolind Oil and Gas Company et al.;

No. 1128. Morris Hefler, George Levy, and Al Levy, petitioners, *v.* The United States of America;

No. 1133. Louise C. Bennion, petitioner, *v.* New York Life Insurance Company;

No. 1138. Jack Hensley, petitioner, *v.* The United States of America;

No. 1142. George Small, petitioner, *v.* People of the State of New York; and

No. 1233. Charles Wilkerson, petitioner, *v.* People of the State of Illinois. The petitions for rehearing are denied.

No. 127, Misc. Ex parte Anna C. Lewis et al., petitioners. Leave to file a second petition for rehearing is denied.

No. 34. George Harris, petitioner, *v.* The United States of America. The motions for leave to file briefs of American Civil Liberties Union, Congress of Industrial Organizations, Brotherhood of Railroad Trainmen, and National Lawyers Guild, as *amici curiae* are granted. The petition for rehearing is denied.

No. 217. Mishawaka Rubber and Woolen Manufacturing Company, petitioner, *v.* Panther-Panco Rubber Co., Inc. The motion for leave to file a second petition for rehearing is denied.

No. 300. Lillian B. Everett, petitioner, *v.* Wallis W. Downing. The motion for leave to file a second petition for rehearing is denied.

No. 1016. Robert L. Peyton, petitioner, *v.* Railway Express Agency, Inc. Leave to file a third petition for rehearing is denied.

No. 1187. Fred Jackson, petitioner, *v.* State of Tennessee;

No. 1194. Alice Martens Young, etc., petitioner, *v.* Clinton P. Anderson, Secretary of Agriculture of the United States, et al.; and

No. 1294. Sonnie Dobbs, Jr., appellant, *v.* State of Mississippi. The petitions for rehearing in these cases are denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

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Adjourned until Monday, June 16, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Robert Lanier Clark, of Dallas, Tex.; Helen May Bloedorn, of Silver Spring, Md.; Robert C. McConnell, of Roswell, N. Mex.; Edith H. Lowenstein, of Chicago, Ill.; Leon Yudkin, of Brooklyn, N. Y.; Robert A. Collier, of Wichita Falls, Tex.; Gilbert T. Adams, of Beaumont, Tex.; Hoyt G. Irving, of Bisbee, Ariz.; Jesse W. Boyd, of Spartanburg, S. C.; Frederick C. Weyher, of Detroit, Mich.; Harold Sharpe, of Forrest City, Ark.; Leo F. Rayfiel, of Brooklyn, N. Y.; Abraham J. Multer, of Brooklyn, N. Y.; Clay Nixon, of Seattle, Wash.; Ernest M. Wright, of Terre Haute, Ind.; Luke Arnett, of Little Rock, Ark.; Samuel F. Cohn, of Boston, Mass.; Chas. W. Anderson, of Atlanta, Ga.; Robert Emmett Dowling, of Chicago, Ill.; Karl M. Dollak, of Chevy Chase, Md.; Will Rogers, of Bessie, Okla.; William Howard Payne, of El Reno, Okla.; William P. Baskin, of Bishopville, S. C.; Kenneth P. Laird, of Arlington, Va.; George L. Siegel, of Chicago, Ill.; Ralph Dickson, of Wichita Falls, Tex.; Louis Zimmet, of Brooklyn, N. Y.; Herman Clay Beasley, of Alexandria, Va.; Mildred Dagny Aaberg, of Washington, D. C.; Marion A. Hornbeck, of Glendale, Calif.; William Bronson Blackburn, of Pikeville, Ky.; Casper Shepard McClelland, of Washington, D. C.; Elmo V. Coons, of Bethesda, Md.; George Pellettieri, of Trenton, N. J.; Samuel Perman, of Worcester, Mass.; Robert Merkle, of Cleveland, Ohio; Maurice M. Miller, of Seattle, Wash.; Fay Lee Berger Anderson, of Washington, D. C.; Clyde Neil Johnson, of Manchester, Iowa; Elwood H. Olsen, of Beresford, S. Dak.; Louis P. Sheahan, of St. Paul, Minn.; Chester A. Dick, Jr., of New York, N. Y.; Matthew W. Rinfrette, of Washington, D. C.; Rita Doherty Hornyak, of Washington, D. C.; Bernard J. Bordenet, of Greenbelt, Md.; Clarence Benjamin Dutton, Jr., of Sullivan, Ind.; Anderson H. Tackett, of Pikeville, Ky.; Ida Iris Kloze, of Baltimore, Md.; Robert Sheriffs Moss, of Milwaukee, Wis.; Jack Kranis, of Brooklyn, N. Y.; Benjamin Elenbogen, of Chicago, Ill.; Clara L. Longstreth, of Washington, D. C.; Daniel J. Andersen, of Jamestown, N. Y.; I. Irving Tubis, of Philadelphia, Pa.; and John Patrick Walsh, of Philadelphia, Pa., were admitted to practice.

No. 95. Aircraft & Diesel Equipment Corporation, appellant, *v.* Maurice Hirsch, E. D. McDougal, John R. Paul, et al. Appeal from the District Court of the United States for the District of Columbia. Decree affirmed. Opinion by Mr. Justice Rutledge. Mr. Justice Jackson concurs in the result. Dissenting: Mr. Justice Douglas.

No. 404. Mexican Light & Power Company, Ltd., petitioner, *v.* The Texas Mexican Railway Company. On writ of certiorari to the Supreme Court of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Reed in which Mr. Chief Justice Vinson joins.

No. 287. J. Robert Bazley, petitioner, *v.* Commissioner of Internal Revenue; and

No. 209. Adam A. Adams, petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgments affirmed and cases remanded to the Circuit Court of Appeals. Opinion by Mr. Justice Frankfurter. Dissenting: Mr. Justice Douglas and Mr. Justice Burton.

No. 77. The United States of America, petitioner, *v.* William M. Dickinson; and

No. 78. The United States of America, petitioner, *v.* F. H. Withrow. On writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgments affirmed and cases remanded to the District Court of the United States for the Southern District of West Virginia. Opinion by Mr. Justice Frankfurter.

No. 312. The United States of America, petitioner, *v.* Albert Silk, Doing Business as Albert Silk Coal Company. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit; and

No. 673. Carter H. Harrison, Individually and as Collector of Internal Revenue, petitioner, *v.* Greyvan Lines, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment in No. 312 affirmed in part and reversed in part and case remanded to the District Court of the United States for the District of Kansas for proceedings in conformity with the opinion of this Court. Judgment in No. 673 affirmed with costs and case remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Reed. Mr. Justice Black, Mr. Justice Douglas and Mr. Justice Murphy are of the view that the applicable principles of law, stated by the Court and with which they agree, require reversal of both judgments in their entirety. Opinion by Mr. Justice Rutledge concurring in part.

No. 562. Rutherford Food Corporation and The George Kaiser Packing Company, petitioners, *v.* William R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment of the Circuit Court of Appeals concluding that meat boners are employees of the slaughtering plant under the Fair Labor Standards Act affirmed with costs, but direction in judgment of that court "for entry of a judgment substantially as prayed" modified so as to leave the District Court free to frame its decree in accordance with the opinion of this Court. Opinion by Mr. Justice Reed.

No. 850. Harrison Williams, Clifford F. Stone, Sidney J. Weinberg, et al., petitioners, *v.* Carl J. Austrian and Robert G. Butcher, as Trustees of Central States Electric Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and case remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Chief Justice Vinson. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson joins.

No. 733. Interstate Natural Gas Company, Incorporated, petitioner, *v.* Federal Power Commission, Louisiana Public Service Commission, City of New Orleans, Louisiana, and City of Baton Rouge, Louisiana. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed and case remanded to the Circuit Court of Appeals. Opinion by Mr. Chief Justice Vinson.

No. 945. John P. McWilliams, petitioner, *v.* Commissioner of Internal Revenue;

No. 946. Estate of Susan P. McWilliams, Deceased, John P. McWilliams, Executor, petitioner, *v.* Commissioner of Internal Revenue; and

No. 947. Brooks B. McWilliams, petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgments affirmed and cases remanded to the Circuit Court of Appeals. Opinion by Mr. Chief Justice Vinson. Mr. Justice Burton took no part in the consideration or decision of these cases.

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The Chief Justice announced the following orders of the Court:

No. 724. Raymond E. Wade et al., Co-Partners, Doing Business as Cadillac Tool and Die Company, et al., appellants, *v.* Henry L. Stimson, et al. Appeal from the District Court of the United States for

the District of Columbia. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. Aircraft & Diesel Equipment Corporation *v.* Hirsch, No. 95, October Term 1946, decided this day.

No. 836. Alaska Juneau Gold Mining Company, petitioner, *v.* E. E. Robertson, as Representative of and On Behalf of J. A. Behrends, et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: The petition for rehearing is granted. The order entered May 12, 1947, denying certiorari, is vacated and the petition for writ of certiorari is granted limited to the question presented by the petition for rehearing as to the effect of the Portal-to-Portal Act of 1947, approved May 14, 1947. The judgment of reversal of the Circuit Court of Appeals is modified so as to provide that on remand to the District Court that Court shall have authority to consider any matters presented to it under the Portal-to-Portal Act of 1947.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 149, Misc. James J. Carr, petitioner, *v.* People of the State of New York;

No. 152, Misc. Gordon Finkle, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 153. Misc. Albert Van Pelt, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 96, Misc. Ex parte William Fitzpatrick, petitioner; and

No. 150, Misc. Joseph Tomanek, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motions for leave to file petitions for certiorari are denied.

No. 154, Misc. Daisy C. Tegtmeier, petitioner, *v.* Henry Tegtmeier. The application is denied.

No. 754, October Term 1945. W. P. Sewell and R. B. Sewell, petitioners, *v.* Commissioner of Internal Revenue. The motion for an extension of time within which to file a second petition for rehearing is denied. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 184. A. N. Cone, petitioner, *v.* West Virginia Pulp and Paper Co. The motion to recall and amend the mandate is denied.

No. 425. James F. Morris, petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor; and

No. 562. Rutherford Food Corporation and the George Kaiser Packing Company, petitioners, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. The motions to substitute William R. McComb as the party respondent in these cases are granted.

No. 497. 149 Madison Avenue Corp. and Williams & Co., Inc., petitioners, *v.* Frank Asselta, Camilo Del Rio, Joseph McArdle, et al. On consideration of the motion of counsel for the petitioners to modify the judgment of this Court in this case, it is ordered that the judgment of affirmance entered herein on May 5, 1947, be modified so as to provide that the judgment of the Circuit Court of Appeals is affirmed and the cause is remanded to the District Court with authority in that Court to consider any matters presented to it under the Portal-to-Portal Act of 1947, approved May 14, 1947.

No. 1285. Marianna Von Moltke, petitioner, *v.* A. Blake Gillies, Superintendent of the Detroit House of Correction. The motion of petitioner for enlargement on recognizance is granted and the matter is referred to the District Court for determination as to whether surety ought to be required or the personal recognizance of the petitioner shall suffice and for the entry of an appropriate order.

No. 1486. Samuel H. Rabin, petitioner, *v.* People of the State of Michigan. The application for a stay is denied.

No. 1340. Chicago and Southern Air Lines, Inc., petitioner, *v.* Waterman Steamship Corporation; and

No. 1371. Civil Aeronautics Board, petitioner, *v.* Waterman Steamship Corporation. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit are granted.

No. 1383. Memphis Natural Gas Company, petitioner, *v.* A. H. Stone, Chairman, State Tax Commission of Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi granted.

No. 1295. A. V. Pownall, Grance M. Pownall, and Henes-Morgan Machinery Company, Ltd., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted and the case is transferred to the summary docket.

No. 1391. Alexander Wool Combing Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted and the case is transferred to the summary docket.

No. 1427. Jacob Lichter and Jennie L. Lichter, Individually and As Co-Partners Doing Business as Southern Fireproofing Company, a Co-Partnership, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted and the case is transferred to the summary docket.

No. 1395. Commissioner of Internal Revenue, petitioner, *v.* Estate of Francois L. Church, Deceased, Edward E. Black, Executor. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is granted and the case is transferred to the summary docket and assigned for argument immediately following No. 1144.

No. 1123. John Harvey Haley, petitioner, *v.* The State of Ohio. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Ohio is also granted.

No. 1377. Albert Lee, appellant, *v.* State of Mississippi. Appeal from the Supreme Court of Mississippi. The motion for leave to proceed *in forma pauperis* is granted. The appeal is dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by sec. 237 (c) of the Judicial Code, as amended, 28 U. S. C., sec. 344 (c), certiorari is granted, and the case is assigned for argument immediately following No. 1123.

No. 1422. Ves H. Morgan and Bessie H. Morgan, petitioners, *v.* Daniel T. Gilman, Also Known As Daniel Grimble Gilman II. The petition for writ of certiorari to the Supreme Court of Florida is dismissed on motion of counsel for the petitioners.

No. 1220. Howard T. Jensen, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1311. Oscar Nelson, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 1314. Southern Pacific Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 1320. Fred C. Cave, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1321. C. A. Poteet, R. O. Jackson, Harry Wright, et al., petitioners, *v.* Steve Rogers. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1324. The J. L. Hudson Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1329. Todd Shipyard Corporation, Successor By Merger to Robins Dry Dock & Repair Company, petitioner, *v.* Grace Puleo, as Administratrix of the Estate of Peter Puleo, Deceased, et al.; and

No. 1384. H. E. Moss & Company, Owner of the S. S. "Lucellum," petitioner, *v.* Grace Puleo, as Administratrix of the Estate of Peter Puleo, Deceased, et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1338. Raymond de Filippis, petitioner, *v.* Chrysler Corporation, Chrysler Sales Corporation, Studebaker Corporation, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1357. Frank F. Whitfield, Individually and as Guardian of and for Harold R. Whitfield, an Incompetent, petitioner, *v.* Theodore D. Parsons and Harry B. Heaviland, Executor of the Last Will and Testament and Codicil of Howard Whitfield, Deceased, et al. Petition for writ of certiorari to the Court of Errors and Appeals, State of New Jersey, denied.

No. 1358. McAllister Lighterage Line, Inc., as Claimant of the Tug G. M. McAllister, petitioner, *v.* P. Dougherty Company, as Owner of the Barge Harford. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1361. Ralph B. Mellor, petitioner, *v.* The United States of America; and

No. 1362. Charles J. Ford, petitioner, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1373. Oscar K. Smith, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1380. Peter L. Young, petitioner, *v.* Territory of Hawaii. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1386. John Hancock Mutual Life Insurance Company, petitioner, *v.* Rhoda S. Gaunt, Individually and as Administratrix of the Estate of James A. Gaunt, Jr., Deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1392. Chris. Christiansen, et al., petitioners, *v.* Margaret Christiansen. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1394. Martin Fletcher Lowrey, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1428. Sadie Goldbaum, petitioner, *v.* The United States of America and Harry R. Strauss. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1243. Rebecca Niewiadomski, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1430. Red Star Barge Line, Inc., and Red Star Towing & Transportation Company, petitioners, *v.* Delores Rose Force. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1431. Modern Manufacturing Co., Inc., petitioner, *v.* Philip B. Fleming, Temporary Controls Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 1432. Jacob Louis Auerbach, petitioner, *v.* Philip B. Fleming, Temporary Controls Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 1447. Charles A. Kersten, an Individual Doing Business as Kersten Motor Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1450. Friedman's Express, Inc., and The Girard Fire and Marine Insurance Company, petitioners, *v.* Mildred Loeb, Individually, and as Trustee for Carol Loeb and William Loeb and Harry Rubenstein, Copartners Doing Business Under the Firm Name and Style of Starlet Underwear Co. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 987. Twyeffort, Inc., petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. The motion to substitute William R. McComb as the party respondent is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is denied.

No. 1020. Andrew Krol, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1022. George Bolster, petitioner, *v.* State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 1137. Selvie Winfield Wells, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1152. Ike Young, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1228. H. L. Myers, petitioner, *v.* Walter A. Hunter, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 1245. Jack Smith, petitioner, *v.* R. H. Hudspeth, Warden of the Kansas State Penitentiary. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 1323. Jerry McCabe, petitioner, *v.* State of Arkansas. On petition for writ of certiorari to the Supreme Court of Arkansas;

No. 1356. Merlin James Smith, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the Supreme Court of California;

No. 1366. Cassius S. McDonald, petitioner, *v.* Walter A. Hunter, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 1389. Emil Lustig, alias Dr. Edward E. Fisher, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit;

No. 1397. Albert Fouts, Virgil Summers, and George C. Moran, petitioners, *v.* State of Ohio. On petition for writ of certiorari to the Supreme Court of Ohio;

No. 1406. Walter Thompson, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 1407. Carl Hamby, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1408. Peter Ficarrotta, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1409. Daniel Hesly, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1410. James Taylor, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1411. John Machul, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1412. Andrew Rusnak, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1413. Frank A. Quinn, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 1416. Francis Egan, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1424. Frank Moore, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Madison County, State of Illinois;

No. 1425. Harry Tenney, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1426. Santos Baronia, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1429. Nicholas Mysholowsky, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Kings County, State of New York;

No. 1433. Emil Reck, petitioner, *v.* The State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1434. Paul Peters, petitioner, *v.* The State of Illinois; and

No. 1435. Paul Peters, petitioner, *v.* The State of Illinois. On petition for writs of certiorari to the Supreme Court of Illinois;

No. 1436. Nick Buck, petitioner, *v.* The State of Illinois; and

No. 1437. Nick Buck, petitioner, *v.* The State of Illinois. On petition for writs of certiorari to the Supreme Court of Illinois;

No. 1439. Glenn Ross Griffin, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Winnebago County and the Supreme Court of Illinois;

No. 1440. Carlos M. Lopez, petitioner, *v.* Insular Police Commission, Composed of Mario-No Acosta Velarde, et al., Commissioners. On petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit;

No. 1444. Philip Jordan, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1449. Albert Baker, petitioner, *v.* L. F. Utecht, et al., as Agents for the State of Minnesota. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 1453. Everett Franklin, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 1454. Harry Lee Baldrige, petitioner, *v.* Joseph E. Ragen, etc. On petition for writ of certiorari to the Circuit Court of Madison County, State of Illinois;

No. 1455. Patrick Flaherty, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1456. Edward Kerbeck, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1461. S. Aiken Campbell, petitioner, *v.* Nathan Mayo, as Custodian of the Florida State Prison. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1463. James Herman Dykes, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1464. Donald Hubbard, petitioner, *v.* Gerald F. Bush, Warden, etc. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 1465. William G. Hayes, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1466. Harry Lee Baldrige, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1467. John Schultz, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1471. James Clement Moore, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1474. Chester Skiba, petitioner, *v.* The State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 1475. Joe Caetano, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the Supreme Court of California; and

No. 1491. Charles Skinner, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 1393. Jack McCormick, petitioner, *v.* State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan; and

No. 145, Misc. Ex parte Jack McCormick, petitioner. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is denied. The motion for leave to file petition for writ of habeas corpus is denied.

No. —. In the Matter of the Disbarment of Hulon Capshaw;

No. 143, Misc. Archie L. Maloyan, petitioner, *v.* United States Congress;

No. 418. National Labor Relations Board, petitioner, *v.* Jones & Laughlin Steel Corporation;

No. 419. National Labor Relations Board, petitioner, *v.* E. C. Atkins and Company;

No. 715. State of Oklahoma and Champlin Refining Company, petitioners, *v.* The United States of America;

No. 1237. State of New York, petitioner, *v.* The United States of America (Relative to the Condemnation by the United States of Certain Easement Rights in 220 Acres of Land in Essex and Hamilton Counties, New York); and

No. 1293. Fred Wilson, petitioner, *v.* Joseph E. Ragen, Warden, etc. The petitions for rehearing are denied.

No. 1097. Alfred L. Hawkins and Laurence I. Prout, petitioners, *v.* The United States of America;

No. 1219. R. D. Reser, petitioner, *v.* Philip B. Fleming, Temporary Controls Administrator;

No. 1226. Texasteel Manufacturing Company, et al., petitioners, *v.* Seaboard Surety Company; and

No. 1227. George W. Armstrong, Sr., et al., petitioners, *v.* Seaboard Surety Company. The petitions for rehearing are denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 1211. James M. Curley, petitioner, *v.* The United States of America. The petition for rehearing in this case is denied. Mr. Justice Murphy is of the opinion the petition should be granted. Mr. Justice Frankfurter took no part in the consideration or decision of this application.

No. 144. Helen C. Calvert, petitioner, *v.* Charles Henry Smith, et al. The motion for leave to file a petition for rehearing is denied.

No. 700. Borg-Warner Corporation and David E. Gamble, petitioners, *v.* George I. Goodwin and John F. Daukus. The motion for leave to file a second petition for rehearing is granted.

The Court will take a recess from today until Monday, June 23d, next, on which day it will adjourn for the term unless otherwise ordered.

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Adjourned until Monday, June 23d, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

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Richard Moberly, of Russellville, Ark.; Frederick Howard Wilder, Jr., of Waltham, Mass.; Joseph R. Gorman, of Washington, D. C.; John Murray Parker, of Washington, D. C.; Louise Davis Holley, of Washington, D. C.; David Berger, of Philadelphia, Pa.; Vincent J. Hargadon, of Louisville, Ky.; William T. Ham, of Washington, D. C.; Paul A. Wolkin, of Philadelphia, Pa.; John W. Bohlen, of Philadelphia, Pa.; James J. Molthan, of Seattle, Wash.; George A. Meekison, of Napoleon, Ohio; Noel A. Troy, of Honolulu, T. H.; Frederick K. Arzt, of Baltimore, Md.; Ira Jack Rees, of Oklahoma City, Okla.; Helen Marie Boyd, of Washington, D. C.; Vincent A. Kleinfeld, of New York, N. Y.; Mary Catherine Barlow, of Washington, D. C.; and Zulah Mayo Purvis, of Jackson, Miss., were admitted to practice.

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No. 89. The United States of America, appellant, *v.* National Lead Company, Titan Company, Inc., and E. I. Du Pont De Nemours and Company;

No. 90. National Lead Company and Titan Company, Inc., appellants, *v.* The United States of America; and

No. 91. E. I. Du Pont De Nemours and Company, appellant, *v.* The United States of America. Appeals from the District Court of the United States for the Southern District of New York. Decree affirmed. Motion of the United States to amend its assignments of error granted. Opinion by Mr. Justice Burton. Mr. Justice Black and Mr. Justice Jackson took no part in the consideration or decision of these cases. Opinion by Mr. Justice Douglas dissenting in part, in which Mr. Justice Murphy and Mr. Justice Rutledge concur.

No. 235. The United States of America, petitioner, *v.* Standard Oil Company of California and Ira Boone. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Justice Rutledge. Mr. Justice Frankfurter concurs in the result. Dissenting opinion by Mr. Justice Jackson.

No. 847. The United States, petitioner, *v.* The Munsey Trust Company of Washington, D. C., Receiver. On writ of certiorari to the Court of Claims. Judgment reversed and case remanded to the Court of Claims for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting: Mr. Justice Burton. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 687. John H. Fahey and A. V. Ammann, Individually and Respectively as Federal Home Loan Bank Commissioner and Conservator for the Long Beach Federal Savings and Loan Association, appellants, *v.* Paul Mallonee, C. H. Newhouse, Winnie Bucklin, et al. Appeal from the District Court of the United States for the Southern District of California. Judgment reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Mr. Justice Douglas and Mr. Justice Rutledge concur in the result.

No. 133, Misc. John H. Fahey et al., petitioners, *v.* Honorable Peirson M. Hall, Judge, etc. Motion for leave to file petition for writ of mandamus and/or prohibition denied and rule to show cause discharged. Opinion by Mr. Justice Jackson.

No. 377. Joseph S. Fay, petitioner, *v.* The People of the State of New York; and

No. 452. James Bove, petitioner, *v.* The People of the State of New York. On writs of certiorari to the Court of Appeals of the State of New York. Judgments affirmed with costs. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge join.

No. 81. Securities and Exchange Commission, petitioner, *v.* Chenery Corporation et al.; and

No. 82. Securities and Exchange Commission, petitioner, *v.* Federal Water and Gas Corporation. On writs of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and cases remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Mr. Justice Burton concurs in the result. The Chief Justice and Mr. Justice Douglas took no part in the consideration or decision of these cases. Dissenting: Mr. Justice Frankfurter and Mr. Justice Jackson.

No. 1035. The United States of America, appellant, *v.* Yellow Cab Company, Chicago Yellow Cab Company, Inc., Parmelee Transportation Company, et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Mr. Justice Douglas

took no part in the consideration or decision of this case. Mr. Justice Black and Mr. Justice Rutledge agree with Parts I and II of the opinion of this Court but dissent from the holding in Part III. Mr. Justice Burton concurs in Part III of the opinion. However, he believes that the complaint as a whole fails to state a cause of action and that, therefore, the judgment of the District Court dismissing it should be affirmed.

No. 535. Theodore Martin Sunal, petitioner, *v.* David R. Large, Superintendent, Federal Prison Camp, Mill Point, W. Va. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit; and

No. 840. Myrl Alexander, Warden, petitioner, *v.* United States ex rel. John Myron Kulick. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment in No. 535 affirmed and case remanded to the District Court of the United States for the Southern District of West Virginia. Judgment in No. 840 reversed and case remanded to the District Court of the United States for the District of Connecticut for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Burton concurs in the result. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Rutledge.

No. 540. Nelson Foster and George Payne, petitioners, *v.* The People of the State of Illinois. On writ of certiorari to the Supreme Court of the State of Illinois. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge join. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join.

No. 405. Marvin Gayes, petitioner, *v.* The State of New York. On writ of certiorari to the County Court of Monroe County, State of New York. Judgment affirmed. Mr. Justice Frankfurter announced the judgment of the Court in an opinion in which the Chief Justice, Mr. Justice Reed, and Mr. Justice Jackson join. Mr. Justice Burton concurs in the result. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy concur.

No. 625. Peter Caldarola, petitioner, *v.* Gerda Eckert and Thor Eckert, Jr., Partners Doing Business Under the Firm Name of Thor Eckert & Co. On writ of certiorari to the Court of Appeals of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy concur. Dissenting opinion by Mr. Justice Rutledge.

No. 385. Atlantic Coast Line Railroad Company, appellant, *v.* Glenn S. Phillips, State Revenue Commissioner of the State of Georgia. Appeal from the Supreme Court of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter. Mr. Justice Rutledge concurs in the result.

No. 102. Admiral Dewey Adamson, appellant, *v.* People of the State of California. Appeal from the Supreme Court of the State of California. Judgment affirmed. Opinion by Mr. Justice Reed. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas joins. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Rutledge concurs.

No. 731. Roy Bartels, Ed Bartels, Carl Bartels, and Justin Conlon, d. b. a. Crystal Ballroom, petitioners, *v.* E. H. Birmingham, Individually and as Collector of Internal Revenue for the State of Iowa, Griff Williams, et al.; and

No. 732. Larry V. Geer and Margaret Geer, d. b. a. Larry Geer Ballrooms, petitioners, *v.* E. H. Birmingham, Individually and as Collector of Internal Revenue for the State of Iowa. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgments of the Circuit Court of Appeals reversed with costs and those of the District Court affirmed, and cases remanded to the District Court of the United States for the Southern District of Iowa. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy concur.

No. 954. The United States of America, appellant, *v.* James C. Petrillo. Appeal from the District Court of the United States for the Northern District of Illinois. Judgment reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Douglas took no part in the consideration or decision of this case. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Murphy and Mr. Justice Rutledge join.

No. 12, Original. The United States of America, complainant, *v.* The State of California. On Bill of Complaint. Opinion holding that the United States is entitled to relief prayed for. The parties, or either of them, may, before September 15, 1947, submit the form of decree to carry the opinion of this Court into effect, failing which the Court will prepare and enter an appropriate decree at the next term of Court. Opinion by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Frankfurter.

The Chief Justice announced the following order of the Court :

No. 466. Herman Greenberg, appellant, *v.* The People of the State of California. Appeal from the District Court of Appeal, 2d Appellate District, State of California. *Per curiam*: The judgment is affirmed. Adamson *v.* People of the State of California, No. 102, October Term 1946, decided this day.

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The Chief Justice said :

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

ORDER

It is ordered by this Court that the Librarian and the Associate Librarian of this Court shall furnish bonds with good and sufficient sureties, to be approved by the Chief Justice, in the amounts of \$10,000 and \$5,000, respectively, in favor of the United States of America and/or the Marshal of the Supreme Court of the United States, conditioned for the faithful performance of their duties as such Librarian and Associate Librarian, including the certification for payment by the Marshal of this Court of vouchers covering expenses incurred and purchases made by them, or either of them, in their official capacities.

The bonds required by this order, when approved as provided herein, shall be deposited with the Clerk of this Court for safekeeping.

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No. 33. Murray Winters, appellant, *v.* The People of the State of New York. This case is ordered restored to the docket and assigned for reargument. In addition to questions heretofore briefed and argued counsel are requested to discuss in their briefs and on oral argument the following :

1. Is subsection 2 of Section 1141 of the New York Penal Code, as construed by the Court of Appeals, compatible with the Fourteenth Amendment?

2. In view of such construction, assuming the answer to the first question is in the affirmative, was the conviction herein compatible with the Fourteenth Amendment, considering the state of the law to have been what it was at the time that the acts were committed for which the conviction was had.

3. In view of the construction herein given by the Court of Appeals to subsection 2 of Section 1141 of the New York Penal Code, what was the law, binding upon this Court, which governed the acts for which the conviction herein was had? Was the conviction under such con-

trolling law, as applied to this defendant at that time, compatible with the Fourteenth Amendment?

No. 934. Tom C. Clark, Attorney General, as Successor to the Alien Property Custodian, petitioner, *v. Uebersee Finanz-Korporation, A. G.* This case is ordered restored to the docket and assigned for reargument. The Chief Justice did not participate in the action of the Court in this case.

No. 346. Silesian American Corporation, Debtor, and Silesian Holding Company, petitioners, *v. Tom C. Clark, Attorney General, as Successor to the Alien Property Custodian.* This case is ordered restored to the docket and assigned for reargument immediately following the hearing of No. 934. The Chief Justice did not participate in the action of the Court in this case.

No. 1427. Jacob Lichter and Jennie L. Lichter, Individually and as Co-Partners Doing Business as Southern Fireproofing Company, a Co-Partnership, petitioners, *v. The United States of America.* This case is removed from the summary docket and is assigned for argument immediately preceding the hearing of Nos. 1295 and 1391.

No. 12, Original. The United States of America, complainant, *v. The State of California.* The motion of the State of New Jersey for leave to file a brief as *amicus curiae* is denied.

No. 300. Lillian B. Everett, petitioner, *v. Wallis W. Downing.* The application of the petitioner for reconsideration of the order denying leave to file a second petition for rehearing is denied.

No. 1286. I. H. Spears, appellant, *v. Eva Mae Spears;* and

No. 1370. I. H. Spears, appellant, *v. Eva Mae Spears.* The motion of the appellant for an extension of time within which to file a petition for rehearing is denied.

No. 1348. The United States of America, appellant, *v. Paramount Pictures, Inc., et al.;*

No. 1349. Loew's Incorporated et al., appellants, *v. The United States of America;*

No. 1350. Paramount Pictures, Inc., et al., appellants, *v. The United States of America;*

No. 1351. Columbia Pictures Corporation et al., appellants, *v. The United States of America;*

No. 1352. United Artists Corporation, appellant, *v. The United States of America;* and

No. 1353. Universal Pictures Company, Inc., etc., et al., appellants, *v. The United States of America.* In these cases probable jurisdiction is noted. Further consideration of the motion of American Theatres Association and others for leave to intervene is postponed to the hearing of the cases on the merits. Mr. Justice Jackson took no part in the consideration or decision of these questions.

No. 1354. American Theatres Association, Inc., et al., appellants, v. The United States of America, et al.; and

No. 1355. W. C. Allred et al., appellants, v. The United States of America, et al. Further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits. Mr. Justice Jackson took no part in the consideration or decision of this question.

No. 1268. J. D. Shelley, Ethel Lee Shelley, His Wife, and Josephine Fitzgerald, petitioners, v. Louis Kraemer and Fern Kraemer, His Wife. The petition for writ of certiorari to the Supreme Court of Missouri is granted. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 1363. Orsel McGhee and Minnie S. McGhee, His Wife, petitioners, v. Benjamin J. Sipes and Anna C. Sipes et al. The petition for writ of certiorari to the Supreme Court of Michigan is granted and the case is assigned for hearing immediately following the argument in No. 1268. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 1402. The United States of America, petitioner, v. Philip Fried, George Neary, Benjamin Fried, and Samuel Birnbaum. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is granted. Counsel are requested to give special consideration in their briefs and on oral argument whether the time for making application for certiorari in this case is governed by Rule 37 (b) (2) of the Rules of Criminal Procedure.

No. 1448. Homer C. Price, petitioner, v. James A. Johnston, Warden, United States Penitentiary, Alcatraz, California. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is also granted.

No. 1476. Eddie (Buster) Patton, petitioner, v. State of Mississippi. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Mississippi is also granted. Execution of the sentence of death imposed on this petitioner is stayed pending the final disposition of the case by this Court.

No. 1222. Victor Lagow, petitioner, v. The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1231. Philip Fried and George Neary, petitioners, v. The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1306. The United States, petitioner, v. James M. Hearne. Petition for writ of certiorari to the Court of Claims denied.

No. 1339. Helen A. DeGuire, as Executrix of the Last Will and Testament of George N. DeGuire, Deceased, petitioner, *v.* Joseph T. Higgins, Collector of Internal Revenue of the United States for the Third District of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1368. Protective Committee for Bonds of Old Colony Railroad Company, petitioner, *v.* New York, New Haven & Hartford Railroad Company, Debtor, et al.; and

No. 1369. Institutional Group for Boston Terminal Bonds, petitioner, *v.* New York, New Haven & Hartford Railroad Company, Debtor, et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1385. Sidney R. Newman, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1415. A. G. Collins and Nola Z. Collins, petitioners, *v.* The United States of America and Emma Lee Collins, Now McCrummen. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1420. D. M. Picton & Co., Inc., petitioner, *v.* W. K. Eastes et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1443. Borg-Warner Corporation and David E. Gamble, petitioners, *v.* George I. Goodwin and John F. Daukus. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1462. Consumers Home Equipment Company and Avery B. Chereton, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1470. Richard Cecil Wilson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1058. Lillian Bleweiss Smith, petitioner, *v.* Commercial Travelers Mutual Accident Association of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Black is of the opinion that the petition should be granted.

No. 1396. Robert B. Harris, petitioner, *v.* The State of Ohio. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the Supreme Court of Ohio is denied.

No. 1404. Ralph P. Counselman, petitioner, *v.* Philip B. Fleming, Temporary Controls Administrator. The motion to substitute

Earl W. Clark, Director, Liquidation Division, Department of Commerce, as the party respondent herein is granted. The petition for writ of certiorari to the United States Emergency Court of Appeals is denied.

No. 688. Earl Jordan, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court, Tompkins County, State of New York;

No. 1166. John J. Peterson, Formerly Jan Francis Sarazzawski, petitioner, *v.* People of the State of California. On petition for writ of certiorari to the Supreme Court of California;

No. 1367. Bert Charles Bowker, petitioner, *v.* Walter A. Hunter, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 1483. John Ryan, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Kings County, State of New York;

No. 1484. Earl Spencer, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1485. Rudolph Pisani, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1492. Al Gavalis, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1493. Darrell Lyons, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1494. Carl Woodward, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1495. Ramon Remine, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 1497. Calvin Smith, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1498. William Wright, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 1507. George Small, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Court of General Sessions, County of New York, State of New York; and

No. 1508. Henry A. Swanson, petitioner, *v.* State of Nebraska. On petition for writ of certiorari to the Supreme Court of Nebraska. The

motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 700. Borg-Warner Corporation and David E. Gamble, petitioners, *v.* George I. Goodwin and John F. Daukus;

No. 1177. Bessie Higgins, petitioner, *v.* The United States of America;

No. 1365. Charles Campiglia, petitioner, *v.* State of New York; and

No. 1282. Francis X. Gomila, petitioner, *v.* The United States of America. The petitions for rehearing are denied.

No. 501. The Okonite Company, petitioner, *v.* Commissioner of Internal Revenue. The motion for leave to file a second petition for rehearing is denied.

No. 741. Michael J. Quinn, petitioner, *v.* The United States of America. The motion for leave to file a petition for rehearing is granted. The petition for rehearing is denied.

No. 909. Walter E. Meyer, Intervener, petitioner, *v.* Berryman Henwood, as Trustee of St. Louis Southwestern Railway Company Lines, et al. The petition for rehearing is denied. Mr. Justice Frankfurter took no part in the consideration or decision of this application.

No. 940. Hill Packing Company, appellant, *v.* The City of New York, William O'Dwyer, Mayor of the City of New York, et al.; and

No. 1189. Adolph Starr, petitioner, *v.* State Board of Law Examiners for the State of Indiana and the Supreme Court of Indiana. The petitions for rehearing are denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 1235. Donald Wakefield Smith, petitioner, *v.* The United States of America. The petition for rehearing is denied. Mr. Justice Frankfurter took no part in the consideration or decision of this application. Mr. Justice Murphy is of the opinion the petition for rehearing should be granted.

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No. 69. American Stevedores, Inc., petitioner, *v.* Rosario Porello and The United States of America. It is ordered that the last sentence on page 4 of the opinion in this case be amended to read as follows: "It is true, as petitioner points out, that the proponent of the bill in the House, Mr. Underhill, said, when the bill was introduced: 'The bill I have introduced simply allows suits in admiralty to be brought by owners of vessels whose property has been damaged by collision or other fault of Government vessels and Government agents.'"

Mr. Acting Solicitor General Washington said :

“May it please the Court :

“It is the custom and tradition for the members of the bar and the officers of this Court to record, in resolutions prepared and adopted by a representative committee, their high consideration for members of this Court who have been removed by death from service with the Court or from retirement after service. Such resolutions are then presented to the Court, with the prayer that they be made a part of its permanent record.

“The death of Chief Justice Stone occurred on April 22, 1946. Mr. Justice McReynolds died on August 24, 1946. If it please the Court, it is the desire of the Department of Justice to take the initiative in calling upon the bar and officers of this Court to participate in memorial meetings for these two departed members of the Court. It is our hope that—with the approval of the Court—the memorial meetings may be held shortly after the Court convenes for the October Term of 1947.”

The Chief Justice responded :

“The Court will receive the resolutions.”

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ORDER

It is ordered, on this 23d day of June, 1947, that General Orders No. 1, 10, 13, 24, 26, 27, 35 (4), 46, 50 (12) and 56, and Forms in Bankruptcy No. 1, 12, 15, 17, 46, 47, 59, 70, 71, and 72 be, and they are hereby, amended and established to read as hereinafter set forth.

It is further ordered that this order shall take effect on Tuesday, July 1, 1947, and shall govern all proceedings then pending to which its provisions are applicable except to the extent that in the opinion of the Court its application to such proceedings would not be practicable or work injustice, in which event the General Orders and Forms in Bankruptcy heretofore established shall apply. (Here follow amended orders and forms).

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The Chief Justice announced the following order :

“All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

IT IS ORDERED by this Court that all cases on the docket be, and they hereby are, continued to the next term.”

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Adjourned to the time and place appointed by law.